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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, in which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and its resolution 55/255 of 31 May 2001, in which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 56/120 of 19 December 2001, in which it requested the Secretary-General to provide the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention of the Secretariat with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention and the Protocols thereto, and encouraged Member States to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, in accordance with article 30 of the Convention, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments,

Reaffirming its deep concern over the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming also that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute important instruments for effective international cooperation against transnational organized crime,

1. *Takes note with appreciation* of the report of the Secretary-General on promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[1]

2. *Welcomes* the fact that a number of States have already ratified the United Nations Convention against Transnational Organized Crime[2] and the Protocols thereto,[3] and reiterates the importance of ensuring the speedy entry into force of those instruments in accordance with its resolutions 55/25 and 55/255;

3. *Commends* the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention of the Secretariat for its work in promoting the ratification of the Convention and the Protocols thereto;

4. *Welcomes* the proposed action by the Centre for International Crime Prevention, described in the report of the Secretary-General,[1] to promote the early entry into force and implementation of the Convention and the Protocols thereto;

[1] E/CN.15/2002/10.

[2] General Assembly resolution 55/25, annex I.

[3] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

5. *Welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and further encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

6. *Requests* the Secretary-General to continue to provide the Centre for International Crime Prevention with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention and the Protocols thereto;

7. *Also requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the Centre for International Crime Prevention to be submitted to it at its fifty-eighth session.

Draft resolution II

High-level political conference for the purpose of signing the United Nations convention against corruption

The General Assembly,

Recalling its resolution 55/61 of 4 December 2000, in which it decided to establish an ad hoc committee for the negotiation of an international legal instrument against corruption,

Recalling also its resolution 56/260 of 31 January 2002 on the terms of reference for the negotiation of an international legal instrument against corruption, in which it decided that the ad hoc committee established pursuant to its resolution 55/61 should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as "the United Nations Convention against Corruption", and requested the ad hoc committee to complete its work by the end of 2003,

Recalling its resolutions 55/188 of 20 December 2000 on preventing and combating corrupt practices and illegal transfer of funds and repatriation of such funds to the countries of origin and 56/186 of 21 December 2001 on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to the countries of origin,

Commending the United Nations efforts to address concerns about corruption in a global forum and the efforts of Member States to implement the various instruments and standards relating to corruption, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions[4] and the International Code of Conduct for Public Officials,[5]

Mindful of the fact that negotiations on the draft United Nations Convention against Corruption are continuing in Vienna in accordance with General Assembly resolutions 40/243 of 18 December 1985, 55/61 and 56/260,

1. *Notes* the progress made to date by the Ad Hoc Committee for the Negotiation of a Convention against Corruption, and urges the Ad Hoc Committee to endeavour to complete its work by the end of 2003;

2. *Accepts with appreciation* the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the convention;

3. *Decides* to convene in Mexico the high-level political conference for the purpose of signing the convention by the end of 2003;

4. *Requests* the Secretary-General to schedule the high-level political conference for a period of three days before the end of 2003 and to organize it in accordance with General Assembly resolution 40/243;

5. *Requests* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to work with the Government of Mexico, in consultation with Member States, in formulating proposals on organizing the high-level political conference so that it will provide opportunities for high-level delegates to consider issues connected with the convention, in particular follow-up activities for its effective implementation and for future work in the area of fighting corruption;

6. *Invites* all States to arrange to be represented at the high-level political conference by persons at the highest possible level of government;

[4] General Assembly resolution 51/191, annex.
[5] General Assembly resolution 51/59, annex.

7. *Requests* the Secretary-General to provide the Centre for International Crime Prevention, which will act as secretariat for the high-level political conference, with all the resources necessary for organizing the conference in an effective and appropriate manner.

Draft resolution III

Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

The General Assembly,

Recalling its resolution 55/59 of 4 December 2000, in which it endorsed the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also its resolution 55/60 of 4 December 2000, in which it urged Governments, in their efforts to prevent and combat crime, especially transnational crime, and to maintain well-functioning criminal justice systems, to be guided by the results of the Tenth Congress,

Recalling further its resolution 56/261 of 31 January 2002, in which it took note with appreciation of the plans of action for the implementation of the Vienna Declaration and invited the Commission on Crime Prevention and Criminal Justice to follow up their implementation and to make any recommendations as appropriate,

Underlining the significance of the plans of action in providing guidance for the implementation of and follow-up to the commitments undertaken in the Vienna Declaration,

Having taken note of the fact that the plans of action for the implementation of the Vienna Declaration reflect a wide range of United Nations standards and norms in crime prevention and criminal justice,

Recognizing that effective follow-up to the plans of action could promote the use and application of those standards and norms while facilitating an effective long-term response to the challenges of the twenty-first century in the field of crime prevention and criminal justice,

1. *Invites* Governments and relevant intergovernmental organizations and non-governmental organizations to consider carefully and use, as appropriate, the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century[6] as guidance for the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels;

2. *Requests* the Secretariat to report to the Commission on Crime Prevention and Criminal Justice at its twelfth session on the outcome of its discussion with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network regarding their possible contribution to the implementation of the plans of action, pursuant to General Assembly resolution 56/261;

3. *Requests* the Executive Director of the Office for Drug Control and Crime Prevention of the Secretariat to keep the Commission on Crime Prevention and Criminal Justice informed of the progress made in the follow-up to the plans of action in his reports on the work of the Centre for International Crime Prevention;

4. *Invites* the Commission on Crime Prevention and Criminal Justice, while formulating recommendations regarding the Eleventh United Nations Congress on Crime Prevention and Criminal Justice pursuant to General Assembly resolution 56/119 of 19 December 2001, to take into account the progress made in the follow-up to the Vienna Declaration and the plans of action, as well as new developments that, in the meantime, have taken place in the areas covered by the Vienna Declaration.

Draft resolution IV

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of

[6] General Assembly resolution 56/261, annex.

the United Nations congresses on the prevention of crime and the treatment of offenders,

Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice is to be held in the year 2005,

Bearing in mind the guidelines for and the new format of the United Nations congresses, as stipulated in paragraph 2 of General Assembly resolution 56/119, as well as paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to resolution 46/152 of 18 December 1991,

Recalling General Assembly resolution 56/119, in which the Assembly requested the Commission on Crime Prevention and Criminal Justice, as the preparatory body for the congresses, to formulate, at its eleventh session, recommendations regarding the Eleventh Congress, including recommendations on the main topic, the organization of round tables and workshops to be held by panels of experts and the venue and duration of the Eleventh Congress, and to submit those recommendations, through the Economic and Social Council, to the General Assembly at its fifty-seventh session,

Recognizing the significant contributions of the United Nations congresses in promoting the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

1. *Takes note* of the report of the Commission on Crime Prevention and Criminal Justice on its eleventh session and of its discussion on the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;[7]

2. *Decides* that the main theme of the Eleventh Congress should be "Synergies and responses: strategic alliances in crime prevention and criminal justice";

3. *Suggests* the following topics be included for discussion during the plenary session of the Eleventh Congress, and notes that Member States may refine these topics and propose additional topics at future intersessional meetings of the Commission for finalization at its twelfth session:

(a) Effective measures against transnational organized crime;

(b) Corruption: threats and trends in the twenty-first century;

(c) Economic and financial crimes: challenges to sustainable development;

(d) Making standards work: fifty years of standard-setting in crime prevention and criminal justice;

4. *Also suggests* that the following issues be considered by workshops within the framework of the Eleventh Congress and notes that Member States may refine these issues and propose additional workshop topics at future intersessional meetings of the Commission for finalization at its twelfth session:

(a) Measures against economic crime: the role of the private sector;

(b) Cross-border law enforcement cooperation;

(c) Human rights in criminal justice;

(d) Restorative justice: community involvement, diversion and other alternative measures;

(e) Links between transnational organized crime and terrorism;

(f) Measures against high-technology and computer-related crime;

(g) Measures against money-laundering;

(h) Combating corruption;

(i) Crime prevention strategies for youth at risk;

(j) Current practices in and ways of overcoming obstacles to extradition;

5. *Requests* the Secretary-General to facilitate the organization of regional preparatory meetings for the Eleventh Congress;

[7] See *Official Records of the Economic and Social Council, 2002, Supplement No. 10* (E/2002/30/Rev.1), part one, chap. IV.

6. *Also requests* the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Eleventh Congress for the consideration of the Commission, and invites Member States to be actively involved in that process;

7. *Accepts with gratitude* the offer of the Government of Thailand to host the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, and requests the Secretary-General to initiate consultations with the Government of Thailand and to report to the Commission at its twelfth session;

8. *Decides* that the duration of the Eleventh Congress should not exceed eight days, including pre-Congress consultations;

9. *Invites* Member States to be represented at the Eleventh Congress at the highest possible level, for example by heads of State or Government or government ministers and attorneys-general, to make statements on the theme and topics of the Congress and to participate in thematic interactive round tables;

10. *Encourages* relevant specialized agencies, United Nations programmes and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat in the preparations for the Eleventh Congress;

11. *Reiterates* its request to the Secretary-General to provide the Centre for International Crime Prevention with the necessary resources, within the overall appropriations of the programme budget for the biennium 2002-2003, for the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and to ensure that adequate resources are provided in the programme budget for the biennium 2004-2005 to support the holding of the Eleventh Congress;

12. *Requests* the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and in the Congress itself, in accordance with past practice;

13. *Requests* the Commission, at its twelfth session, to finalize the programme for the Eleventh Congress and to make its final recommendations, through the Economic and Social Council, to the General Assembly;

14. *Requests* the Secretary-General to ensure the proper follow-up to the present resolution and to report thereon to the General Assembly, through the Commission on Crime Prevention and Criminal Justice at its twelfth session.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Basic principles on the use of restorative justice programmes in criminal matters

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled "Development and implementation of mediation and restorative justice measures in criminal justice", in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

Recalling also its resolution 2000/14 of 27 July 2000, entitled "Basic principles on the use of restorative programmes in criminal matters", in which the Council requested the Secretary-General to seek comments from Member States and relevant intergovernmental and non-governmental organizations, as well as institutes of the United Nations Crime Prevention and Criminal Justice Programme network, on the desirability and means of establishing common principles on the use of restorative justice programmes in criminal matters, including the advisability of developing a new instrument for that purpose,

Taking into account the existing international commitments with respect to victims, in particular the

United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[8]

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, under the agenda item entitled "Offenders and victims: accountability and fairness in the justice process",

Taking note of General Assembly resolution 56/261 of 31 January 2002, entitled "Revised draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century", in particular the action on restorative justice in order to follow up the commitments undertaken in paragraph 28 of the Vienna Declaration,[9]

Noting with appreciation the work of the Group of Experts on Restorative Justice at their meeting held in Ottawa from 29 October to 1 November 2001,

Taking note of the report of the Secretary-General on restorative justice[10] and the report of the Group of Experts on Restorative Justice,[11]

1. *Takes note* of the basic principles on the use of restorative justice programmes in criminal matters annexed to the present resolution;

2. *Encourages* Member States to draw on the basic principles on the use of restorative justice programmes in criminal matters in the development and operation of restorative justice programmes;

3. *Requests* the Secretary-General to ensure the widest possible dissemination of the basic principles on restorative justice among Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other international, regional and non-governmental organizations;

4. *Calls upon* Member States that have adopted restorative justice practices to make information about those practices available to other States upon request;

5. *Also calls upon* Member States to assist one another in the development and implementation of research, training or other programmes, as well as activities to stimulate discussion and the exchange of experience on restorative justice;

6. *Further calls upon* Member States to consider, through voluntary contributions, the provision of technical assistance to developing countries and countries with economies in transition, on request, to assist them in the development of restorative justice programmes.

Annex

Basic principles on the use of restorative justice programmes in criminal matters

Preamble

Recalling that there has been, worldwide, a significant growth of restorative justice initiatives,

Recognizing that those initiatives often draw upon traditional and indigenous forms of justice which view crime as fundamentally harmful to people,

Emphasizing that restorative justice is an evolving response to crime that respects the dignity and equality of each person, builds understanding, and promotes social harmony through the healing of victims, offenders and communities,

Stressing that this approach enables those affected by crime to share openly their feelings and experiences, and aims at addressing their needs,

Aware that this approach provides an opportunity for victims to obtain reparation, feel safer and seek closure; allows offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way; and enables communities to understand the underlying causes of crime, to promote community well-being and to prevent crime,

Noting that restorative justice gives rise to a range of measures that are flexible in their adaptation to established criminal justice systems and that complement those systems, taking into account legal, social and cultural circumstances,

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[8] General Assembly resolution 40/34, annex.

[9] See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000*, chap. I (A/CONF.187/15).

[10] E/CN.15/2002/5 and Corr.1.

[11] E/CN.15/2002/5/Add.1.

Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders,

I. Use of terms

1. "Restorative justice programme" means any programme that uses restorative processes and seeks to achieve restorative outcomes.

2. "Restorative process" means any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.

3. "Restorative outcome" means an agreement reached as a result of a restorative process. Restorative outcomes include responses and programmes such as reparation, restitution, and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender.

4. "Parties" means the victim, the offender and any other individuals or community members affected by a crime who may be involved in a restorative process.

5. "Facilitator" means a person whose role is to facilitate, in a fair and impartial manner, the participation of the parties in a restorative process.

II. Use of restorative justice programmes

6. Restorative justice programmes may be used at any stage of the criminal justice system, subject to national law.

7. Restorative processes should be used only where there is sufficient evidence to charge the offender and with the free and voluntary consent of the victim and the offender. The victim and the offender should be able to withdraw such consent at any time during the process. Agreements should be arrived at voluntarily and contain only reasonable and proportionate obligations.

8. The victim and the offender should normally agree on the basic facts of a case as the basis for their participation in a restorative process. Participation of the offender shall not be used as evidence of admission of guilt in subsequent legal proceedings.

9. Disparities leading to power imbalances, as well as cultural differences among the parties, should be taken into consideration in referring a case to, and in conducting, a restorative process.

10. The safety of the parties shall be considered in referring any case to, and in conducting, a restorative process.

11. Where restorative processes are not suitable or possible, the case should be referred to the criminal justice authorities and a decision should be taken as to how to proceed without delay. In such cases, criminal justice officials should endeavour to encourage the offender to take responsibility vis-à-vis the victim and affected communities, and support the reintegration of the victim and the offender into the community.

III. Operation of restorative justice programmes

12. Member States should consider establishing guidelines and standards, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should respect the basic principles set forth in the present instrument and should address, inter alia:

(a) The conditions for the referral of cases to restorative justice programmes;

(b) The handling of cases following a restorative process;

(c) The qualifications, training and assessment of facilitators;

(d) The administration of restorative justice programmes;

(e) Standards of competence and rules of conduct governing the operation of restorative justice programmes.

13. Fundamental procedural safeguards guaranteeing fairness to the offender and the victim should be applied to restorative justice programmes and in particular to restorative processes:

(a) Subject to national law, the victim and the offender should have the right to consult with legal counsel concerning the restorative process and, where

necessary, to translation and/or interpretation. Minors should, in addition, have the right to the assistance of a parent or guardian;

(b) Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision;

(c) Neither the victim nor the offender should be coerced, or induced by unfair means, to participate in restorative processes or to accept restorative outcomes.

14. Discussions in restorative processes that are not conducted in public should be confidential, and should not be disclosed subsequently, except with the agreement of the parties or as required by national law.

15. The results of agreements arising out of restorative justice programmes should, where appropriate, be judicially supervised or incorporated into judicial decisions or judgements. Where that occurs, the outcome should have the same status as any other judicial decision or judgement and should preclude prosecution in respect of the same facts.

16. Where no agreement is reached among the parties, the case should be referred back to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to reach an agreement alone shall not be used in subsequent criminal justice proceedings.

17. Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or, where required by national law, to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to implement an agreement, other than a judicial decision or judgement, should not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

18. Facilitators should perform their duties in an impartial manner, with due respect to the dignity of the parties. In that capacity, facilitators should ensure that the parties act with respect towards each other and enable the parties to find a relevant solution among themselves.

19. Facilitators shall possess a good understanding of local cultures and communities and, where appropriate, receive initial training before taking up facilitation duties.

IV. Continuing development of restorative justice programmes

20. Member States should consider the formulation of national strategies and policies aimed at the development of restorative justice and at the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities, as well as local communities.

21. There should be regular consultation between criminal justice authorities and administrators of restorative justice programmes to develop a common understanding and enhance the effectiveness of restorative processes and outcomes, to increase the extent to which restorative programmes are used, and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States, in cooperation with civil society where appropriate, should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as a complement or alternative to the criminal justice process and provide positive outcomes for all parties. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular evaluation and modification of such programmes. The results of research and evaluation should guide further policy and programme development.

V. Saving clause

23. Nothing in these basic principles shall affect any rights of an offender or a victim which are established in national law or applicable international law.

Draft resolution II

Action to promote effective crime prevention

The Economic and Social Council,

Bearing in mind its resolution 1996/16 of 23 July 1996, in which the Economic and Social Council requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice matters,

Recalling the elements of responsible crime prevention: standards and norms annexed to its resolution 1997/33 of 21 July 1997, in particular those relating to community involvement in crime prevention contained in paragraphs 14 to 23 of that annex, as well as the revised draft elements of responsible crime prevention, prepared by the Expert Group Meeting on Elements of Responsible Crime Prevention: Addressing Traditional and Emerging Crime Problems, held in Buenos Aires from 8 to 10 September 1999,

Taking note of the international colloquium of crime prevention experts convened in Montreal, Canada, from 3 to 6 October 1999, by the Governments of France, the Netherlands and Canada, in collaboration with the International Centre for the Prevention of Crime in Montreal, as a preparatory meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting that the draft elements of responsible crime prevention were considered at the workshop on community involvement in crime prevention, held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

Acknowledging the need to update and finalize the draft elements of responsible crime prevention,

Aware of the scope for significant reductions in crime and victimization through knowledge-based approaches, and of the contribution that effective crime prevention can make in terms of the safety and security of individuals and their property, as well as the quality of life in communities around the world,

Taking note of General Assembly resolution 56/261 of 31 January 2002, entitled "Revised draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century",[12] in particular the action on crime prevention in order to follow up the commitments undertaken in paragraphs 11, 13, 20, 21, 24 and 25 of the Vienna Declaration,

Convinced of the need to advance a collaborative agenda for action with respect to the commitments made in the Vienna Declaration,

Noting with appreciation the work of the Group of Experts on Crime Prevention at their meeting held in Vancouver, Canada, from 21 to 24 January 2002, and the work of the Secretary-General in preparing a report on the results of that interregional meeting, containing revised draft guidelines for crime prevention and proposed priority areas for international action,[13]

Recognizing that each Member State is unique in its governmental structure, social characteristics and economic capacity and that those factors will influence the scope and implementation of its crime prevention programmes,

Recognizing also that changing circumstances and evolving approaches to crime prevention may require further elaboration and adaptation of crime prevention guidelines,

1. *Accepts* the Guidelines for the Prevention of Crime, annexed to the present resolution, with a view to providing elements for effective crime prevention;

2. *Invites* Member States to draw upon the Guidelines for the Prevention of Crime, as appropriate, in the development or strengthening of their policies in the field of crime prevention and criminal justice;

3. *Requests* relevant United Nations bodies and other specialized organizations to strengthen inter-agency coordination and cooperation in crime prevention, as set out in the Guidelines, and, to that end, to disseminate the Guidelines widely within the United Nations system;

4. *Requests* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in consultation with Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant entities in the United Nations system, to prepare a proposal for technical assistance in the area of crime prevention, in accordance with the guidelines of the Office for Drug Control and Crime Prevention;

5. *Requests* Member States to establish or strengthen international, regional and national crime prevention networks, with a view to developing knowledge-based strategies, exchanging proven and promising practices, identifying elements of their

[12] See *Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000*, chap. I (A/CONF.187/15).

[13] E/CN.15/2002/4.

transferability and making such knowledge available to communities throughout the world;

6. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Annex

Guidelines for the Prevention of Crime

I. Introduction

1. There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to the sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime. Crime prevention offers opportunities for a humane and more cost-effective approach to the problems of crime. The present Guidelines outline the necessary elements for effective crime prevention.

II. Conceptual frame of reference

2. It is the responsibility of all levels of government to create, maintain and promote a context within which relevant governmental institutions and all segments of civil society, including the corporate sector, can better play their part in preventing crime.

3. For the purposes of the present Guidelines, "crime prevention" comprises strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes. The enforcement of laws, sentences and corrections, while also performing preventive functions, falls outside the scope of the Guidelines, given the comprehensive coverage of the subject in other United Nations instruments.[14]

4. The present Guidelines address crime and its effects on victims and society and take into account the growing internationalization of criminal activities.

5. Community involvement and cooperation/partnerships represent important elements of the concept of crime prevention set out herein. While the term "community" may be defined in different ways, its essence in this context is the involvement of civil society at the local level.

6. Crime prevention encompasses a wide range of approaches, including those which:

(a) Promote the well-being of people and encourage pro-social behaviour through social, economic, health and educational measures, with a particular emphasis on children and youth, and focus on the risk and protective factors associated with crime and victimization (prevention through social development or social crime prevention);

(b) Change the conditions in neighbourhoods that influence offending, victimization and the insecurity that results from crime by building on the initiatives, expertise and commitment of community members (locally based crime prevention);

(c) Prevent the occurrence of crimes by reducing opportunities, increasing risks of being apprehended and minimizing benefits, including through environmental design, and by providing assistance and information to potential and actual victims (situational crime prevention);

(d) Prevent recidivism by assisting in the social reintegration of offenders and other preventive mechanisms (reintegration programmes).

III. Basic principles

Government leadership

7. All levels of government should play a leadership role in developing effective and humane crime prevention strategies and in creating and maintaining institutional frameworks for their implementation and review.

Socio-economic development and inclusion

8. Crime prevention considerations should be integrated into all relevant social and economic policies and programmes, including those addressing

[14] See *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (United Nations publication, Sales No. E.92.IV.1 and corrigendum).

employment, education, health, housing and urban planning, poverty, social marginalization and exclusion. Particular emphasis should be placed on communities, families, children and youth at risk.

Cooperation/partnerships

9. Cooperation/partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them. This includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens.

Sustainability/accountability

10. Crime prevention requires adequate resources, including funding for structures and activities, in order to be sustained. There should be clear accountability for funding, implementation and evaluation and for the achievement of planned results.

Knowledge base

11. Crime prevention strategies, policies, programmes and actions should be based on a broad, multidisciplinary foundation of knowledge about crime problems, their multiple causes and promising and proven practices.

Human rights/rule of law/culture of lawfulness

12. The rule of law and those human rights which are recognized in international instruments to which Member States are parties must be respected in all aspects of crime prevention. A culture of lawfulness should be actively promoted in crime prevention.

Interdependency

13. National crime prevention diagnoses and strategies should, where appropriate, take account of links between local criminal problems and international organized crime.

Differentiation

14. Crime prevention strategies should, when appropriate, pay due regard to the different needs of men and women and consider the special needs of vulnerable members of society.

IV. Organization, methods and approaches

15. Recognizing that all States have unique governmental structures, this section sets out tools and methodologies that Governments and all segments of civil society should consider in developing strategies to prevent crime and reduce victimization. It draws on international good practice.

Community involvement

16. In some of the areas listed below, Governments bear the primary responsibility. However, the active participation of communities and other segments of civil society is an essential part of effective crime prevention. Communities, in particular, should play an important part in identifying crime prevention priorities, in implementation and evaluation, and in helping identify a sustainable resource base.

A. Organization

Government structures

17. Governments should include prevention as a permanent part of their structures and programmes for controlling crime, ensuring that clear responsibilities and goals exist within government for the organization of crime prevention, by, inter alia:

(a) Establishing centres or focal points with expertise and resources;

(b) Establishing a crime prevention plan with clear priorities and targets;

(c) Establishing linkages and coordination between relevant government agencies or departments;

(d) Fostering partnerships with non-governmental organizations, the business, private and professional sectors and the community;

(e) Seeking the active participation of the public in crime prevention by informing it of the need for and means of action and its role.

Training and capacity-building

18. Governments should support the development of crime prevention skills by:

(a) Providing professional development for senior officials in relevant agencies;

(b) Encouraging universities, colleges and other relevant educational agencies to offer basic and advanced courses, including in collaboration with practitioners;

(c) Working with the educational and professional sectors to develop certification and professional qualifications;

(d) Promoting the capacity of communities to develop and respond to their needs.

Supporting partnerships

19. Governments and all segments of civil society should support the principle of partnership, where appropriate, including:

(a) Advancing knowledge of the importance of this principle and the components of successful partnerships, including the need for all of the partners to have clear and transparent roles;

(b) Fostering their formation at different levels and across sectors;

(c) Facilitating their efficient operation.

Sustainability

20. Governments and other funding bodies should strive to achieve sustainability of demonstrably effective crime prevention programmes and initiatives through, inter alia:

(a) Reviewing resource allocation to establish and maintain an appropriate balance between crime prevention and the criminal justice and other systems, to be more effective in preventing crime and victimization;

(b) Establishing clear accountability for funding, programming and coordinating crime prevention initiatives;

(c) Encouraging community involvement in sustainability.

B. Methods

Knowledge base

21. As appropriate, Governments and/or civil society should facilitate knowledge-based crime prevention by, inter alia:

(a) Providing the information necessary for communities to address crime problems;

(b) Supporting the generation of useful and practically applicable knowledge that is scientifically reliable and valid;

(c) Supporting the organization and synthesis of knowledge and identifying and addressing gaps in the knowledge base;

(d) Sharing that knowledge, as appropriate, among, inter alia, researchers, policy makers, educators, practitioners from other relevant sectors and the wider community;

(e) Applying this knowledge in replicating successful interventions, developing new initiatives and anticipating new crime problems and prevention opportunities;

(f) Establishing data systems to help manage crime prevention more cost-effectively, including by conducting regular surveys of victimization and offending;

(g) Promoting the application of those data in order to reduce repeat victimization, persistent offending and areas with a high level of crime.

Planning interventions

22. Those planning interventions should promote a process that includes:

(a) A systematic analysis of crime problems, their causes, risk factors and consequences, in particular at the local level;

(b) A plan that draws on the most appropriate approach and adapts interventions to the specific local problem and context;

(c) An implementation plan to deliver appropriate interventions that are efficient, effective and sustainable;

(d) Mobilizing entities that are able to tackle causes;

(e) Monitoring and evaluation.

Support evaluation

23. Governments, other funding bodies and those involved in programme development and delivery should:

(a) Undertake short- and longer-term evaluation to test rigorously what works, where and why;

(b) Undertake cost-benefit analyses;

(c) Assess the extent to which action results in a reduction in levels of crime and victimization, in the seriousness of crime and in fear of crime;

(d) Systematically assess the outcomes and unintended consequences, both positive and negative, of action, such as a decrease in crime rates or the stigmatization of individuals and/or communities.

C. Approaches

24. This section expands upon the social developmental and situational crime prevention approaches. It also outlines approaches that Governments and civil society should endeavour to follow in order to prevent organized crime.

Social development

25. Governments should address the risk factors of crime and victimization by:

(a) Promoting protective factors through comprehensive and non-stigmatizing social and economic development programmes, including health, education, housing and employment;

(b) Promoting activities that redress marginalization and exclusion;

(c) Promoting positive conflict resolution;

(d) Using education and public awareness strategies to foster a culture of lawfulness and tolerance while respecting cultural identities.

Situational

26. Governments and civil society, including where appropriate the corporate sector, should support the development of situational crime prevention programmes by, inter alia:

(a) Improved environmental design;

(b) Appropriate methods of surveillance that are sensitive to the right to privacy;

(c) Encouraging the design of consumer goods to make them more resistant to crime;

(d) Target "hardening" without impinging upon the quality of the built environment or limiting free access to public space;

(e) Implementing strategies to prevent repeat victimization.

Prevention of organized crime

27. Governments and civil society should endeavour to analyse and address the links between transnational organized crime and national and local crime problems by, inter alia:

(a) Reducing existing and future opportunities for organized criminal groups to participate in lawful markets with the proceeds of crime, through appropriate legislative, administrative or other measures;

(b) Developing measures to prevent the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;

(c) Designing crime prevention strategies, where appropriate, to protect socially marginalized groups, especially women and children, who are vulnerable to the action of organized criminal groups, including trafficking in persons and smuggling of migrants.

V. International cooperation

Standards and norms

28. In promoting international action in crime prevention, Member States are invited to take into account the main international instruments related to human rights and crime prevention to which they are parties, such as the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), the Declaration on the Elimination of Violence against Women (resolution 48/104), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (resolution 45/112, annex), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (resolution 40/34,

annex), the Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (Economic and Social Council resolution 1995/9, annex), as well as the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and the United Nations Convention against Transnational Organized Crime and the Protocols thereto (resolutions 55/25, annexes I-III, and 55/255, annex).

Technical assistance

29. Member States and relevant international funding organizations should provide financial and technical assistance, including capacity-building and training, to developing countries and countries with economies in transition, communities and other relevant organizations for the implementation of effective crime prevention and community safety strategies at the regional, national and local levels. In that context, special attention should be given to research and action on crime prevention through social development.

Networking

30. Member States should strengthen or establish international, regional and national crime prevention networks with a view to exchanging proven and promising practices, identifying elements of their transferability and making such knowledge available to communities throughout the world.

Links between transnational and local crime

31. Member States should collaborate to analyse and address the links between transnational organized crime and national and local crime problems.

Prioritizing crime prevention

32. The Centre for International Crime Prevention, the United Nations Crime Prevention and Criminal Justice Programme network of affiliated and associated institutes and other relevant United Nations entities should include in their priorities crime prevention as set out in these Guidelines, set up a coordination mechanism and establish a roster of experts to undertake needs assessment and to provide technical advice.

Dissemination

33 Relevant United Nations bodies and other organizations should cooperate to produce crime prevention information in as many languages as possible, using both print and electronic media.

Draft resolution III

Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children

The Economic and Social Council,

Recalling the Convention on the Rights of the Child,[15] the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography,[16] the United Nations Convention against Transnational Organized Crime[17] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[18]

Recalling the Universal Declaration of Human Rights,[19]

Recalling General Assembly resolution 50/145, of 21 December 1995, on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly endorsed the resolutions adopted by the Ninth Congress, including resolution 7 on children as victims and perpetrators of crime and the United Nations criminal justice programme,[20]

Recalling the first World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the declaration and programme of action adopted by the World Congress to promote the protection of the rights of the child and end the commercial sexual exploitation of children, in particular by applying the Convention

[15] General Assembly resolution 44/25, annex.
[16] General Assembly resolution 54/263, annex II.
[17] General Assembly resolution 55/25, annex I.
[18] General Assembly resolution 55/25.
[19] General Assembly resolution 217 A (III).
[20] See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995*, chap. I (A/CONF.169/16).

on the Rights of the Child and other relevant instruments,

Recalling the second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, from 17 to 20 December 2001, at which the participants adopted the Yokohama Global Commitment 2001, welcoming the enhancement by States of actions towards the elimination of child prostitution, child pornography and trafficking in children for sexual purposes,

Recalling International Labour Organization Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 17 June 1999, which prohibits forced or obligatory labour of all people under the age of eighteen,

I. Action to promote cooperation with civil society in dealing with the issues of missing children and sexual abuse or exploitation of children

Convinced that civil society can play a role in the fight against the disappearance of children and that organizations or a structured network of associations can be useful in finding missing children and in preventing and countering that problem,

Convinced that civil society can also play a role in the fight against sexual abuse or exploitation of children and that organizations or a structured network of associations can be useful in assisting sexually abused or exploited children and in preventing and countering that problem,

1. *Encourages* Member States to facilitate cooperation between the competent authorities and qualified organizations or associations of civil society involved in tracing missing children or in assisting sexually abused or exploited children;

2. *Emphasizes* that such cooperation does not prejudice the role of the competent authorities in conducting investigations and proceedings;

3. *Calls upon* Member States to examine the possibility, taking into account the resources available, of providing, inter alia, a toll-free hotline or other means of communication or encouraging arrangements, for instance through the use of the Internet, whereby the qualified organizations or associations referred to in paragraph 1 above could make a hotline available twenty-four hours a day;

4. *Calls upon* Member States to establish appropriate arrangements, to the extent necessary, in accordance with their legislation pertaining to investigations and proceedings, in order to facilitate the mutual exchange, between such organizations or associations and the competent authorities, of appropriate information concerning the tracing of missing or sexually abused or exploited children.

II. Measures against child prostitution

Recalling the Convention on the Rights of the Child, in article 34, paragraph (a), of which States parties are called upon to prevent the inducement or coercion of a child to engage in any unlawful sexual activity,[15]

Noting that in article 3, paragraph (b), of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography,[21] States parties are called upon to ensure that the act of offering, obtaining, procuring or providing a child for prostitution is fully covered under their criminal or penal law,

Considering that child prostitution is undeniably a traumatic experience for the children involved,

Reaffirming the need to make persons who procure or obtain the sexual services of children responsible for their action, which violates the rights and the dignity of the children involved,

Calls upon Member States to take immediate steps to provide for the effective and proportional punishment, under their domestic law, of persons who procure or obtain the sexual services of children.

III. Time limits for penal proceedings in cases involving the sexual abuse or exploitation of children

Emphasizing that sexual abuse or exploitation provokes traumas among children who are the victims of such abuse or exploitation and that that experience may affect them throughout their life,

Emphasizing that the perpetrators are often to be found within the family, among the acquaintances or friends of the family, or among other persons in the immediate environment of or holding a position of authority over the victims,

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[21] Resolution 54/263, annex II.

Considering that the victims of sexual abuse or exploitation generally need time to reach the level of maturity required to perceive the abusive nature of the events that they have experienced, to express their opinion about those events and to dare to denounce them,

Calls upon Member States to make every effort to ensure, in conformity with domestic legislation, that the time limit for bringing criminal proceedings in cases involving the sexual abuse or exploitation of a child does not obstruct the effective prosecution of the offender, for instance by considering the possibility of postponing the beginning of the time limit until the child has reached the age of civil majority.

Draft resolution IV

United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Reaffirming the importance of United Nations standards and norms in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme,

Recalling General Assembly resolution 56/161 of 19 December 2001 on human rights in the administration of justice,

Recalling Commission on Human Rights resolution 2002/47 on human rights in the administration of justice, in particular juvenile justice,

Bearing in mind that the theme for the eleventh session of the Commission on Crime Prevention and Criminal Justice was "Reform of the criminal justice system: achieving effectiveness and equity",

Recalling the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 55/59 of 4 December 2000,

Recalling the plans of action for the implementation of the Vienna Declaration on Crime and Justice, annexed to General Assembly resolution 56/261 of 31 January 2002, in particular the plans of action on crime prevention, on witnesses and victims of crime, on prison overcrowding and alternatives to incarceration on juvenile justice, on the special needs of women in the criminal justice system and on standards and norms,[22]

Mindful of the recommendation of the Office of Internal Oversight Services, submitted to the Committee for Programme and Coordination of the Economic and Social Council at its forty-first session, that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat should propose to the Commission on Crime Prevention and Criminal Justice at its twelfth session a revised mechanism for reporting on the use and application of the United Nations standards and norms in crime prevention and criminal justice,[23]

I. Use and application of United Nations standards and norms in crime prevention and criminal justice

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1998/21 of 28 July 1998, in section I of which it requested the Secretary-General to continue the information-gathering,

1. *Takes note* of the report of the Secretary-General on "Reform of the criminal justice system: achieving effectiveness and equity" and the use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform;[24]

2. *Takes note* of the reports of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[25] the report of the Secretary-General on the implementation of the United Nations Declaration on Crime and Public Security,[26] and the report of the Secretary-General on the implementation of the International Code of

[22] General Assembly resolution 56/261, annex, sects. VIII-X and XII-XIV.
[23] E/AC.51/2001/5, para. 13.
[24] E/CN.15/2002/3.
[25] E/CN.15/2002/6 and Add.2.
[26] E/CN.15/2002/11.

Conduct for Public Officials[27] and considers the first cycle of gathering information on the use and application of the United Nations standards and norms in crime prevention and criminal justice to have been completed;

3. *Requests* the Secretary-General to convene a meeting of a group of experts, subject to the availability of extrabudgetary funds, to evaluate the results achieved and the progress made in the application of existing United Nations standards and norms in crime prevention and criminal justice, to review the present system of reporting, to assess the advantages to be expected in using a cross-sectoral approach and to make concrete proposals to be considered by the Commission on Crime Prevention and Criminal Justice at its twelfth session;

4. *Encourages* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to continue, subject to the availability of existing funds, to provide technical assistance and advisory services to Member States upon request in support of criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction, drawing on the United Nations standards and norms in crime prevention and criminal justice;

5. *Invites* Member States to make available voluntary funds for technical cooperation projects in the area of criminal justice reform;

6. *Invites* the Centre for International Crime Prevention to further increase cooperation and coordination with other relevant entities, in particular the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and the Office of the United Nations High Commissioner for Human Rights, in the use and application of the United Nations standards and norms in crime prevention and criminal justice, with the aim of enhancing complementarities and reinforcing the existing collaboration in the implementation of their respective programmes, and to strengthen collaborative ties with other United Nations entities and relevant intergovernmental and non-governmental organizations.

[27] E/CN.15/2002/6/Add.1 and 3.

II. Penal reform

Recalling its resolution 1999/27 of 21 July 1999 on penal reform,

Recognizing that acute prison overcrowding may result in the violation of basic human rights of prisoners and prison staff,

1. *Invites* Member States to undertake the necessary efforts to solve the problem of prison overcrowding, inter alia, by, if necessary, introducing or making appropriate use of alternatives to imprisonment;

2. *Invites* relevant bodies and specialized agencies of the United Nations system, subject to the availability of existing funds, as well as Member States, to continue to provide assistance in the form of advisory services, needs assessment, capacity-building, training or other assistance to States, upon request, in order to enable them to improve prison conditions, reduce prison overcrowding and increase reliance on alternatives to imprisonment.

III. Administration of juvenile justice

Recalling its resolution 1999/28 of 28 July 1999 on administration of juvenile justice,

1. *Requests* the Secretary-General to strengthen cooperation between the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and other relevant partners, in particular the other members of the coordination panel on technical advice and assistance in juvenile justice, established in line with the Guidelines for Action on Children in the Criminal Justice System,[28] including follow-up to the recommendations of the Committee on the Rights of the Child on juvenile justice matters;

2. *Invites* the Centre for International Crime Prevention and Member States to continue, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other entities, subject to the availability of existing funds, to develop and carry out projects to prevent youth crime, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders, as well as to improve the protection of child victims.

[28] Resolution 1997/30, annex.

Draft resolution V

International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims

The Economic and Social Council,

Convinced that the kidnapping of persons is a serious crime and a violation of the right to individual freedom, as well as other fundamental rights, including international humanitarian law applicable in situations of armed conflict,

Recalling General Assembly resolution 55/25 of 15 November 2000, in which the Assembly adopted the United Nations Convention against Transnational Organized Crime, an instrument forming part of the legal framework necessary for international cooperation in the fight against kidnapping, especially kidnapping committed for the purpose of extortion,

Noting the transnational nature of organized crime and the tendency of organized criminal groups to expand their illicit operations,

Concerned by the growing tendency of organized criminal groups to resort to kidnapping, especially kidnapping for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and carrying out other illegal activities, such as illicit trafficking in firearms, money-laundering, drug trafficking, illicit trafficking in human beings and crimes related to terrorism,

Convinced that the links between various illegal activities and organized criminal groups pose an additional threat to personal security and the quality of life, hindering economic and social development,

Also convinced that one of the most effective ways to combat organized crime is to trace, detect, freeze and confiscate the assets of criminal groups in order to undermine their structure,

Recalling the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[29] which was convened with the intention of adopting more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Recalling also the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, endorsed by the General Assembly in its resolution 55/59 of 4 December 2000, in which Member States participating in the Tenth Congress declared their intention to strengthen international cooperation in order to create a conducive environment for the fight against organized crime,[30]

Concerned about the increase in kidnapping in various countries of the world and by the harmful effects of that crime on the victims and their families, and resolved to support the provision of assistance to them and measures to protect them and promote their recovery,

1. *Vigorously condemns and rejects* the worldwide practice of kidnapping, in any circumstance and for any purpose, which consists in unlawfully detaining a person or persons against their will for the purpose of demanding for their liberation an illicit gain or any other economic gain or other material benefit, or in order to oblige someone to do or not do something, and resolves to treat it henceforth as a serious crime, particularly when it is connected with the action of organized criminal groups or terrorist groups;

2. *Urges* Member States that have not already done so to adopt the legislative or other measures necessary to establish as a serious crime in their domestic legislation kidnapping in all its modalities, especially kidnapping committed for the purpose of extortion, in accordance with the United Nations Convention against Transnational Organized Crime;[31]

3. *Encourages* Member States to foster international cooperation, especially mutual legal assistance and collaboration between law enforcement authorities, through information exchange with a view to preventing, combating and eradicating kidnapping, in particular kidnapping committed for the purpose of extortion;

4. *Exhorts* Member States that have not already done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to provide international

[29] See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8).

[30] General Assembly resolution 55/59, annex, para. 10.

[31] General Assembly resolution 55/25, annex I.

cooperation and mutual assistance through the tracing, detection, freezing and confiscation of proceeds of kidnapping, in order to undermine the structure of organized criminal groups;

5. *Invites* Member States to provide to the Secretary-General information on the practice of kidnapping and on relevant domestic measures that have been taken, including those related to support and assistance to the victims and their families;

6. *Requests* the Secretary-General, drawing upon extrabudgetary contributions or within existing resources, based on replies received from Member States and in coordination with competent entities of the United Nations system, to report to the Commission on Crime Prevention and Criminal Justice at its thirteenth session on the factual and legal situation of kidnapping throughout the world, including the situation of victims, and to submit a progress report on that subject to the Commission at its twelfth session.

Draft resolution VI

International cooperation, technical assistance and advisory services in crime prevention and criminal justice

The Economic and Social Council,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[32] and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000,

Recalling also General Assembly resolution 56/123 of 19 December 2001 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling further the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 56/261 of 31 January 2002,

Recalling further its resolution 1998/24 of 28 July 1998 on technical cooperation and advisory services in crime prevention and criminal justice,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, improved quality of life, democracy and human rights, which is increasingly being recognized by United Nations entities, specialized agencies of the United Nations system and other international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

Appreciating the funding provided by certain Member States in 2001 that has permitted the Centre for International Crime Prevention to enhance its capacity to execute an increased number of projects,

1. *Takes note with appreciation* of the report of the Executive Director of the Office for Drug Control and Crime Prevention on the work of the Centre for International Crime Prevention,[33] in particular its technical cooperation activities focused on those areas specifically mandated by the Commission on Crime Prevention and Criminal Justice, especially the promotion of the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its protocols;

2. *Expresses its gratitude* to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat for assisting Member States in the improvement of their criminal justice systems by responding to the increasing requests for technical assistance, by implementing a number of important projects and by formulating new projects according to guidelines of the Office for Drug Control and Crime Prevention;

3. *Commends* the increased cooperation between the Centre for International Crime Prevention, the United Nations Development Programme and the United Nations Office for Project Services, and calls upon those entities, together with the World Bank and

[32] See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publications, Sales No. E.00.IV.8).

[33] E/CN.15/2002/2 and Corr.1.

other international, regional and national funding agencies, to support the technical cooperation activities and interregional advisory services of the Centre;

4. *Invites* relevant entities of the United Nations system, including the United Nations International Drug Control Programme, the United Nations Development Programme and the World Bank, and other international funding agencies to increase their interaction with the Centre for International Crime Prevention, in order to ensure that, as appropriate, activities on crime prevention and criminal justice, including terrorism, kidnapping and corruption are considered in their sustainable development agenda, to ensure the full utilization of the expertise of the Centre in activities related to crime prevention and criminal justice and promotion of the rule of law and to avoid duplication of effort;

5. *Expresses its appreciation* to those Member States that contribute to the activities of the United Nations Crime Prevention and Criminal Justice Programme by providing funding and the services of associate experts, by developing training manuals, legislative guides and other material and by hosting action-oriented workshops and expert group meetings;

6. *Expresses the need* to have adequate resources in order to make progress in the further operationalization of the activities of the Centre for International Crime Prevention and in order to implement the projects carried out under the global programme against trafficking in human beings, the global programme against corruption and the global programme against organized crime;

7. *Invites* potential donors and relevant multilateral financial institutions to make significant and regular financial contributions, including, in particular, general-purpose funds, for the formulation, coordination and implementation of technical assistance projects developed within the framework of the United Nations Crime Prevention and Criminal Justice Programme and to strengthen the role of the Programme as facilitator of bilateral assistance in that area;

8. *Invites* developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to strengthening national institutional capacity, professional expertise and continuing education in that field;

9. *Requests* the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for the operational activities and, in particular, the interregional advisory services of the Centre for International Crime Prevention under section 21 of the regular budget of the United Nations;

10. *Also requests* the Secretary-General to make all possible efforts, including appeals to donors in the private sector, in increasing extrabudgetary resources, including general-purpose funds, and in the mobilization of resources and fund-raising.

Draft resolution VII

Illicit trafficking in protected species of wild flora and fauna

The Economic and Social Council,

Aware of the reported existence of organized criminal groups with transnational operations involving illicit trafficking in protected species of wild flora and fauna and, hence, of the link between transnational organized crime and that form of illicit trafficking,

Aware also of the adverse environmental, economic, social and scientific impact of transnational organized criminal activities related to illicit trafficking in protected species of wild flora and fauna and of the consequences of access to genetic resources on other than mutually agreed terms and, in accordance with relevant domestic law and, as appropriate, international agreements,

Convinced that both international cooperation and mutual legal assistance are essential to preventing, combating and eradicating illicit trafficking in protected species of wild flora and fauna,

Recalling the Convention on International Trade in Endangered Species of Wild Fauna and Flora,[34] the Convention on Biological Diversity[35] and action taken to implement those conventions,

[34] United Nations, *Treaty Series*, vol. 993, No. 14537.

[35] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

Recalling also its resolution 2001/12 of 24 July 2001, entitled "Illicit trafficking in protected species of wild flora and fauna", in which it requested the Secretary-General to prepare, in coordination with other competent entities of the United Nations system, reports analysing domestic, bilateral, regional and multilateral legal provisions and other relevant documents, resolutions and recommendations dealing with the prevention, combating and eradication of illicit trafficking in protected species of wild flora and fauna by organized criminal groups and with illicit access to genetic resources and to present those reports to the Commission on Crime Prevention and Criminal Justice at its eleventh session,

1. *Takes note with appreciation* of the report of the Secretary-General on progress made in the implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna; [36]

2. *Urges* all Member States to cooperate with the Secretary-General and other competent entities of the United Nations system, in particular the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Secretariat of the Convention on Biological Diversity, including by submitting comments on the report of the Secretary-General on progress made in the implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna,[36] information on relevant national legislation and practical experiences, relevant statistics on transnational organized crime and information on measures taken, legal proceedings instituted and penalties imposed against such trafficking, so that the report of the Secretary-General may be finalized;

3. *Encourages* all Member States to promote judicial cooperation and mutual technical assistance with a view to preventing, combating and eradicating illicit trafficking in protected species of wild flora and fauna;

4. *Invites* all Member States to further promote and organize regional networks for information exchange with a view to preventing, combating and eradicating illicit trafficking in protected species of wild flora and fauna and to consider measures to regulate access to genetic resources on mutually agreed terms, in accordance with relevant domestic law and, as appropriate, relevant international agreements;

5. *Requests* the Secretary-General to finalize his report on the implementation of Economic and Social Council resolution 2001/12 and to submit it to the Commission on Crime Prevention and Criminal Justice at its twelfth session.

[36] E/CN.15/2002/7.

Draft resolution VIII

Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism

The Economic and Social Council,

Recalling General Assembly resolution 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001, and urgently called for international cooperation to prevent and eradicate acts of terrorism,

Recalling also General Assembly resolution 56/123 of 19 December 2001, in which the Assembly invited the Secretary-General to consider, in consultation with Member States and the Commission on Crime Prevention and Criminal Justice, the ways in which the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat could contribute to the efforts of the United Nations system against terrorism, in accordance with relevant Assembly and Security Council resolutions,

Recalling further General Assembly resolution 56/253 of 24 December 2001, in paragraph 103 of which the Assembly requested the Secretary-General to make proposals to strengthen the Terrorism Prevention Branch at the United Nations Office at Vienna and to report thereon to the Assembly for its consideration,

Recalling further General Assembly resolution 56/261 of 31 January 2002, in which the Assembly took note with appreciation of the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which included a plan of action against terrorism,

Recalling Security Council resolutions 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001 and the relevant General Assembly resolutions relating to the prevention and suppression of terrorism,

Stressing the need for closer coordination and cooperation between States and the Centre for International Crime Prevention in preventing and combating terrorism and criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations,

Stressing also the importance of international cooperation and technical assistance in the activities of the Centre for International Crime Prevention in the area of preventing and combating terrorism,

Recognizing the role of the United Nations and its various entities, in particular the Terrorism Prevention Branch of the Centre for International Crime Prevention, as well as the possible contribution of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, in preventing and combating terrorism,

Stressing that the work of the Centre for International Crime Prevention aimed at preventing and combating terrorism, in particular strengthening international cooperation and technical assistance, should be conducted and coordinated in such a way as to complement the work of other United Nations entities, especially the Counter-Terrorism Committee and the Office of Legal Affairs of the Secretariat,

Taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly and the Security Council, convinced of the need to prevent and combat acts of terrorism, and noting with deep concern the growing links between transnational organized crime and acts of terrorism,

1. *Takes note with appreciation* of the activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat in the area of preventing terrorism, described in the report of the Executive Director on the work of the Centre;[37]

2. *Reaffirms* the important role that the Centre for International Crime Prevention has to play in promoting effective action to strengthen international cooperation and in providing technical assistance, upon request, in preventing and combating terrorism, and reiterates its request to the Centre to promote effective measures to that end, in accordance with relevant General Assembly resolutions and in coordination with the Counter-Terrorism Committee and the Office of Legal Affairs of the Secretariat and other relevant United Nations entities and other international organizations;

3. *Stresses* in this context that the Centre for International Crime Prevention should, pursuant to General Assembly resolution 56/123 and under the guidance of Member States and the Commission on Crime Prevention and Criminal Justice, include in its activities the provision to States, upon request, of technical assistance for the signature, accession, ratification and effective implementation of the international conventions and protocols related to terrorism, taking into account the plan of action against terrorism contained in the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century[38] and the relevant General Assembly resolutions;

4. *Also stresses* that the Centre for International Crime Prevention should, pursuant to General Assembly resolution 56/123 and under the guidance of Member States and the Commission on Crime Prevention and Criminal Justice, include in its activities the taking of measures, in cooperation with Member States, to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate, continuing to maintain databases on terrorism and offering analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities, including conducting research and analytical studies on the close connection between terrorist activities and other related crimes, such as drug trafficking and money-laundering;

[37] E/CN.15/2002/2 and Corr.1.

[38] General Assembly resolution 56/261, annex, sect. VII.

5. *Urges* States to continue working together, also on a regional and bilateral basis, to prevent and combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of the international conventions and protocols related to terrorism;

6. *Requests* the Centre for International Crime Prevention, within the framework of its technical assistance activities related to countering terrorism, to take measures to draw the relevant international conventions and protocols relating to various aspects of international terrorism to the attention of those States which are not yet parties to them, with a view to assisting them, upon request, to become parties thereto;

7. *Requests* the Secretary-General to offer, on a regular basis, to the Counter-Terrorism Committee information on the activities of the Centre for International Crime Prevention relevant to preventing and combating terrorism with the aim of strengthening a permanent dialogue between the two entities;

8. *Takes note* of General Assembly resolution 56/253, requesting the Secretary-General to make proposals to strengthen the human and financial capacity of the Terrorism Prevention Branch of the Centre for International Crime Prevention to enable it to carry out its mandate in the area of preventing and combating terrorism;

9. *Welcomes* the voluntary contributions already made to the United Nations Crime Prevention and Criminal Justice Fund, and calls upon States, as well as multilateral financial institutions and regional development banks, to support, through voluntary contributions, both new and additional, to the United Nations Crime Prevention and Criminal Justice Fund and through other means, such as the provision of services of experts and consultants, the efforts of the Centre for International Crime Prevention to facilitate the provision of and to provide cooperation and technical assistance in the area of preventing and combating terrorism;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twelfth session on the implementation of the present resolution.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its eleventh session, provisional agenda and documentation for its twelfth session, and organization of work and themes for its future sessions

The Economic and Social Council,

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its eleventh session;

(b) Decides that the prominent theme for the twelfth and thirteenth sessions of the Commission should be as follows:

(i) For the twelfth session, in 2003: "Trafficking in human beings, especially women and children";

(ii) For the thirteenth session, in 2004: "The rule of law and development: contributions of the operational activities in crime prevention and criminal justice";

(c) Approves the provisional agenda and documentation for the twelfth session of the Commission set out below.

Provisional agenda and documentation for the twelfth session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and decision 1/101 of the Commission on Crime Prevention and Criminal Justice)

2. Adoption of the agenda and organization of work.

Documentation

Provisional agenda, annotations and proposed organization of work

(Legislative authority: Council resolution 1992/1 and decision 1997/232 and rules 5 and 7 of the rules of procedure of the functional commissions of the Council)

3. Thematic discussion: "Trafficking in human beings, especially women and children".

Sub-themes:

(a) Trends in trafficking in human beings

(b) Investigating and prosecuting cases on trafficking in human beings: national and international law enforcement cooperation and assistance

(c) Awareness-raising and social intervention: victim support and the role of civil society

Documentation

Report of the Secretary-General on trafficking in human beings

(Legislative authority: Council resolution 1999/51)

4. Work of the Centre for International Crime Prevention.

Documentation

Report of the Executive Director on the work of the Centre for International Crime Prevention (containing information on progress made on, inter alia, technical cooperation, global programmes, resource mobilization and cooperation with United Nations and other entities)

(Legislative authority: General Assembly resolution 55/64 and Council resolutions 1992/22 and 1999/23)

Report of the Secretary-General on activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Council resolutions 1992/22, 1994/21 and 1999/23)

5. International cooperation in combating transnational crime:

(a) Convention against Transnational Organized Crime and the Protocols thereto;

Documentation

Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime

(Legislative authority: Assembly resolution 56/120)

(b) Negotiation of an international convention against corruption;

Documentation

Report of the Secretary-General on the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption

(Legislative authority: Assembly resolution 57/... [E/CN.15/2002/L.9])

(c) Preventing and combating kidnapping;

Documentation

Report of the Secretary-General on measures to strengthen international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims

(Legislative authority: Council resolution 2002/... [E/CN.15/2002/L.11, operative paragraph 6])

(d) Illicit trafficking in protected species of wild flora and fauna.

Documentation

Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna

(Legislative authority: Council resolution 2002/... [E/CN.15/2002/L.14, operative paragraph 6])

6. Strengthening international cooperation and technical assistance in preventing and combating terrorism.

Documentation

Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism

(Legislative authority: Council resolution 2002/... [E/CN.15/2002/L.16, operative paragraph 13])

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on standards and norms in crime prevention and criminal justice

(Legislative authority: Council resolution 2002/... [E/CN.15/2002/L.10/Rev.1, section I, operative paragraph 3])

8. Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

Documentation

Report of the Secretary-General on progress made in the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: Assembly resolutions 56/119 and 57/... [E/CN.15/2002/L.4/ Rev.1, operative paragraph 14])

Draft discussion guide for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, prepared by the Secretariat

(Legislative authority: Assembly resolutions 56/119 and 57/... [E/CN.15/2002/L.4/Rev.1, operative paragraph 4])

9. Strategic management and programme questions.

(Legislative authority: Commission resolution 7/1)

10. Provisional agenda for the thirteenth session of the Commission.

(Legislative authority: rule 9 of the rules of procedure of the functional commissions of the Council and Council decision 1997/232)

11. Adoption of the report of the Commission on its twelfth session.

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its eleventh session, of Iskander Ghattas and Željko Horvatić to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

D. Matters brought to the attention of the Economic and Social Council

4. The following resolution adopted by the Commission on Crime Prevention and Criminal Justice is brought to the attention of the Economic and Social Council:

Resolution 11/1

Symposium entitled "Combating international terrorism: the contribution of the United Nations"

The Commission on Crime Prevention and Criminal Justice,

Reaffirming the important role of the United Nations in the fight against terrorism,

Recalling relevant Security Council resolutions, in particular resolution 1373 (2001) of 28 September 2001, in which the Council noted the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials and, in that regard, emphasized the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to that serious challenge and threat to international security,

Recalling General Assembly resolution 56/88 of 12 December 2001, in which the Assembly urged all States and the Secretary-General, in their efforts to prevent international terrorism, to make best use of the existing institutions of the United Nations,

Recalling also General Assembly resolution 56/123 of 19 December 2001, in which the Assembly invited the Secretary-General to consider, in consultation with Member States and the Commission on Crime Prevention and Criminal Justice, the ways in which the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention could contribute to the efforts of the United Nations system against terrorism, in accordance with relevant Assembly and Security Council resolutions, and reaffirmed the role of the Centre in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism,

Recalling further General Assembly resolution 56/253 of 24 December 2001, in which the Assembly requested the Secretary-General to make proposals to strengthen the Terrorism Prevention Branch at the United Nations Office at Vienna to enable it to carry out its mandate as approved by the Assembly and to report thereon to the Assembly for its consideration,

Recalling that section VII of the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 56/261 of 31 January 2002, call for, inter alia, the Centre for International Crime Prevention to encourage States to sign and ratify international instruments dealing with terrorism, to provide assistance in implementing such instruments to States upon request and to take measures, in cooperation with Member States, to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime,

Emphasizing that it is necessary for the relevant United Nations bodies to coordinate action against terrorism and that the work of the Centre for International Crime Prevention should be complementary to and supportive of the activities of the Counter-Terrorism Committee,

Noting that a draft comprehensive convention against international terrorism is under the active consideration of the General Assembly,

1. *Welcomes* the offer made at its tenth session by the Government of Austria to host a symposium entitled "Combating international terrorism: the contribution of the United Nations";

2. *Requests* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention to prepare, in consultation with Member States, the programme of the symposium entitled "Combating international terrorism: the contribution of the United Nations", to be held in Vienna on 3 and 4 June 2002;

3. *Supports* the convening of the symposium, and notes its purposes and goals within the framework of the efforts of the United Nations against terrorism;

4. *Strongly encourages* Member States to participate in the preparations for the symposium and in the symposium itself;

5. *Requests* the Executive Director of the Office for Drug Control and Crime Prevention to report the proceedings of the symposium and the views of the Commission on Crime Prevention and Criminal Justice thereon to the Secretary-General for his consideration in finalizing his report on the implementation of General Assembly resolution 56/123.

Chapter II

Thematic discussion on reform of the criminal justice system: achieving effectiveness and equity

A. Structure of the debate

5. At its 2nd and 3rd meetings, on 16 and 17 April 2002, the Commission on Crime Prevention and Criminal Justice considered item 3 of its agenda. In line with the consultations held during the intersessional meetings of the Commission, three sub-themes had been selected for the thematic discussion: (a) reforming juvenile justice; (b) integrated criminal justice reforms, with particular emphasis on prosecutors, courts and prisons; and (c) strengthening international criminal justice cooperation. Following past practice, the thematic discussion was structured to facilitate an interactive dialogue among Member States. The discussion drew on the experience of

Member States that had initiated criminal justice reforms.

6. The discussion was led by the following panellists: Radim Bures (Czech Republic), Elias Carranza (Latin American Institute for the Prevention of Crime and the Treatment of Offenders), Tonthong Chandransu (Thailand), Sarah V. Hart (United States of America), Abdel-Majid Mahmoud (Egypt), Norman Moleboge (Botswana), Eduardo Ibarrola Nicolin (Mexico), Peeter Palo (Estonia), Ignacio Peláez Marqués (Spain), Mohamed Ashraf Rasoli (Afghanistan), Jackie Selebi (South Africa) and Renate Winter (United Nations Interim Administration Mission in Kosovo).

7. At the same meetings, the Commission heard statements by the representatives of Poland, Canada, the Islamic Republic of Iran, Algeria, India, Morocco, Bulgaria, Egypt, Mexico, Switzerland and Saudi Arabia. The Commission also heard statements by the observers for Italy, China, Uganda, Oman, Jordan, Yemen, Ukraine, Kuwait, Turkey, Cuba, Lebanon and Romania. Statements were also made by the observers for the Asia Crime Prevention Foundation and the International Centre for Criminal Law Reform and Criminal Justice Policy.

B. Deliberations

8. The thematic discussion was introduced by a representative of the Secretariat. He stated that, by holding such thematic discussions, the Commission had obtained practical insight from leading criminal justice decision makers and experts involved either in the management of the criminal justice systems of their countries or in the provision of technical assistance to other countries.

1. Integrated criminal justice reform, with particular emphasis on prosecutors, courts and prisons

9. Four panellists made statements on the sub-theme entitled "Integrated criminal justice reform, with particular emphasis on prosecutors, courts and prisons". Their statements reflected different regional and developmental perspectives on various subjects, including criminal justice reform in post-conflict or peacekeeping situations, activities and projects pursued in the post-apartheid period, integrated criminal justice administration with community participation, and prison overcrowding in Latin America and the Caribbean.

10. The Commission was informed of the most pressing needs for assistance in connection with Afghanistan's efforts to recreate a functioning criminal justice system. An appeal was made for assistance in translating into action the pledges and commitments made by the international community in response to the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001 (S/2001/1154), the conclusions of the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo on 21 and 22 January 2002, and Security Council resolution 1401 (2002) of 28 March 2002. Several speakers referred to assistance provided, or about to be provided, for the reconstruction of Afghanistan.

11. The presentations emphasized common challenges and problems for criminal justice administrators. There was a clear need for an integrated approach to criminal justice, with due emphasis on the efficient and equitable handling of offenders and victims, in the context of the rule of law. At the same time, the presentations documented both the communality and the variety of national and international criminal justice needs. One example was the analysis of the underlying reasons for prison overcrowding, which appeared to be a growing global problem. In the civil-law countries of Latin America, overcrowding manifested itself through an excessive number of remand prisoners, whereas in the common-law countries of the Caribbean there were an excessive number of convicted prisoners. Legislative discrepancies between the systems were considered a leading factor behind those differences.

12. It was stressed that criminal justice reforms must be conceived and implemented in a comprehensive manner so as to deliver justice according to human rights standards, reinforce community values and re-establish the moral values of offenders. In line with the rehabilitative aims, the criminal justice process should eventually lead to the reintegration of offenders into society. It was further emphasized that contemporary criminal policy should resort more often to non-custodial sanctions rather than to the expansion of

prison infrastructure. Moreover, criminal justice administrators appreciated the use of different procedures to deal with various types of crime. Some of those fell under the rubric of restorative justice, an approach that could be used to deal with both adult and juvenile offenders. One such innovation was the establishment of so-called "drug courts", specializing in cases of drug offenders. In another country, legislation allowed for the establishment of courts specializing in the adjudication of serious crimes. The role of prosecutorial discretion, one of several possible means to divert cases away from the criminal justice system, was also highlighted. Finally, it was noted that better sharing of information with the public was one of the means through which the criminal justice system could gain public confidence.

13. One of the major challenges posed by criminal justice reform was that procedures were expected to comply fully with the principles of the rule of law and to preserve the rights and procedural positions of both victims and offenders, while at the same time delivering justice in an efficient and timely manner. In that regard, the value of the revised draft resolution entitled "Basic principles on the use of restorative justice programmes in criminal matters" (E/CN.15/2002/L.2/Rev.1) was noted. Speakers agreed that the independence of courts and the autonomy of prosecutors were essential to equitable justice administration; they also agreed on the importance of well-functioning criminal justice systems. Those were preconditions for being able to respond successfully to the challenges of crime, including organized crime. Organized criminal groups were always eager to exploit any loopholes in the legal and operational framework, at the national or international level.

14. Concerning the role of crime prevention and criminal justice in the alleviation of poverty, it was emphasized that the poorer strata of society must be granted equal access to justice. Poverty was one of the major factors undermining the rule of law and contributing to the destabilization of countries. It was noted that the provision of technical assistance in the use and application of United Nations standards and norms in crime prevention and criminal justice should continue to be a major tool for fostering the application of the rule of law in criminal justice reform. It was stressed that the continued presence of the United Nations Crime Prevention and Criminal Justice Programme in national and regional field offices of the Office for Drug Control and Crime Prevention of the Secretariat was essential to effective project delivery. Several speakers underlined the problem of prison overcrowding, as well as the need for further action in criminal justice reform, including better integration of systems, emphasis on prevention and the use of restorative justice approaches and non-custodial sanctions.

2. Reforming juvenile justice

15. The discussion on reforming juvenile justice started with an audio-visual presentation of ongoing initiatives in juvenile justice reform in Lebanon, reviewing the results of a technical assistance project of the Centre for International Crime Prevention on children deprived of their liberty. While highlighting some of the problems that juvenile penal institutions faced, the presentation traced the progress made during the past few years with the help of the project, which had been sponsored by several donor countries through financial contributions and the provision of expertise. In reaction to the presentation, the Commission heard statements expressing appreciation for the assistance that had been provided and for the exemplary cooperation shown by donors, the recipient country and the Centre.

16. The presentation of the first panellist focused on problems in juvenile justice, with special emphasis on post-conflict situations. It was noted that children were especially vulnerable, often being victims, witnesses and offenders at the same time. After a war, countries were often confronted with the erosion or complete breakdown of their justice systems, and consequently juvenile cases were accorded low priority. One result was that children were kept in pre-trial detention for long periods, having to wait for their offences to be addressed by overloaded courts. In post-conflict situations, the financial support needed to establish and maintain the professionals and facilities for non-custodial measures and other juvenile-specific measures was also often lacking.

17. The panellists emphasized the importance of following a comprehensive approach based on restorative justice and of efforts to divert children out of the criminal justice system. Such efforts should include the adoption of penal and penal procedural laws and laws on youth courts and the provision of training to persons such as police, social workers,

probation officers, judges, prosecutors, lawyers, detention staff, and relevant non-governmental organizations. Raising the support of civil society in that endeavour had proved to be one of the keys to success.

18. The Commission was informed of a proposal for a project on juvenile justice in Egypt, which was to be implemented, with the assistance of the Centre for International Crime Prevention, in coordination with a project of the United Nations International Drug Control Programme for the reduction of illicit drug demand among street children. The proposed project would be aimed at providing support in the establishment of facilities for juveniles and improving legislation on children.

19. The panel members also discussed the approach of considering juvenile offenders as victims of social and family situations, improper education or lack of life perspectives. It was important to offer a variety of approaches, actions and interventions and to provide alternatives to incarceration, involving broad segments of society.

20. A number of speakers described the considerable progress achieved in juvenile justice reforms in their countries. Reference was made to recently developed integrated national strategies on juvenile justice. In compliance with international standards child-friendly legislation and strategies had been put in place in many countries, including specific provisions to protect children from exploitation and abuse, victim support measures and measures for the reintegration of youth into society. Speakers highlighted the importance of sensitizing civil society of the role of the family and the community with regard to prevention. They also called for the further gathering and dissemination of information on successful prevention strategies.

21. The important role of restorative justice in the field of juvenile delinquency was stressed. Specific provisions for diversion and the involvement of social welfare, as well as the possibility of victim-offender mediation, were seen as effective alternatives to the formal proceedings of the criminal justice system. A number of countries had had positive experiences in the creation of specialized juvenile courts and in allowing experts on juvenile matters to be present during the proceedings.

22. Most speakers emphasized that specialized facilities offering, inter alia, leisure activities and educational programmes and even computer education programmes, had been established in their countries for juveniles who had come into conflict with the law, in order to facilitate rehabilitation and reintegration. Special measures for juvenile offenders, including restorative measures, were of particular importance as they prevent such offenders from being recruited by organized criminal groups or terrorist groups.

23. Specific laws on child pornography and the prevention of prostitution were mentioned by some speakers as being effective measures for protecting children and juveniles. One speaker noted that in his country legislation had been enacted concerning measures for the prevention and suppression of trafficking in women and children. The act criminalized conspiracy within and outside of the country and expanded law enforcement powers.

24. Several speakers expressed their Governments' commitment to addressing the complexity of the problem of juveniles deprived of their liberty, as well as other juvenile justice matters, through the support of technical assistance projects carried out by the Centre for International Crime Prevention; they called upon other donor countries and institutions to join them in those efforts. Support was expressed for the objectives of the coordination panel on technical advice and assistance in juvenile justice, which were to ensure a coordinated approach and to strengthen technical cooperation in the field of juvenile justice within the United Nations system.

25. Several speakers noted that juvenile justice reform was a cornerstone for subsequent reforms in prosecution and adjudication of criminal cases of adult offenders. Altogether, it appeared that juvenile justice had been used as a testing ground for all types of criminal justice reform. Successful juvenile justice policies had to emphasize prevention and rehabilitation. In practical terms, it appeared that the boundaries between juvenile justice and the prevention of juvenile delinquency were sometimes blurred.

3. Strengthening international criminal justice cooperation

26. The panel discussion on strengthening international criminal justice cooperation began by considering the issues raised by cooperation in the

form of technical assistance, including projects in several newly independent States. The impact of projects generally depended on the degree to which assistance was successfully tailored to the needs of those who would actually receive it. Information had to be conveyed in a form that was useful, comprehensible, culturally compatible and otherwise acceptable to the intended users. Simply imposing outside policies and practices was unlikely to succeed, and priorities should be those of the recipients and not the donors. Materials should be prepared or adapted in accordance with factors such as the perceived needs of the recipients, linguistic and cultural factors, local legal considerations and the nature of the exact audience for which they were to be used. Outsiders engaged in the development and formulation of programmes needed to first understand the cultures of local legal or law enforcement communities; one way to accomplish that was by involving programme recipients at the development stage. Flexibility was also seen as important in developing and administering programmes: those involved needed to be able to adapt to changing circumstances.

27. The second presentation focused on modalities for cooperation within the European Union, using as an example a newly created entity called EuroJust. EuroJust consisted of one member from each member State of the European Union, usually a prosecutor experienced in international cooperation. The main objective was to facilitate and improve legal cooperation within Europe, including matters such as letters rogatory, extradition matters and elements of investigative cooperation. EuroJust would serve as a liaison body, using its members in each country as points of contact or liaison in individual cases. Intervention at an early stage of proceedings should help to lay preliminary groundwork prior to formal requests for assistance, thereby reducing the likelihood that an actual request would be refused once it was made. EuroJust was forming agreements with non-European States, particularly with States that were candidates for membership in the European Union. A recently adopted European arrest warrant was seen as a major reform in streamlining international cooperation, reducing technical and judicial impediments to a minimum. The issuance of such a warrant would allow for the arrest of the subject anywhere in Europe and would authorize the law enforcement agencies of member States of the European Union to bring the subject before the court that had issued the warrant, making the need for conventional extradition within Europe irrelevant. Many of the limits on conventional extradition, such as dual criminality and the limitations imposed by some States on extraditing their nationals, would not apply in a case involving a European arrest warrant.

28. The third panellist addressed the need for effectiveness and efficiency in international legal cooperation, for which the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and the Protocols thereto (Assembly resolutions 55/25, annexes II and III, and 55/255, annex) had set new standards. An important development in that context was the linking of jurisdiction and extradition measures in "extradite or prosecute" provisions, under which a State must ensure that it had jurisdiction to prosecute any offender who could not be extradited by reason of his or her nationality. Extradition was seen as a critical form of international cooperation, and the view was expressed that all States should work to reduce formalities and technicalities in order to make extradition more effective and efficient. Political factors should also be eliminated from extradition as much as possible. To a large extent, the viability of international cooperation also depended on the viability of the domestic personnel and agencies responsible for responding to requests for cooperation. As part of its efforts to implement the new transnational organized crime instruments, one country had established a high-level unit within its law enforcement community specializing in matters involving organized crime. It had also undertaken a major anti-corruption effort within its law enforcement community.

29. A presentation was made on international cooperation from a law enforcement perspective, taking into account lessons learned from a case involving many forms of cooperation between a State that was a member of the European Union and one that was not. In urgent situations, such as ongoing cross-border offences, cooperation took place directly between the respective law enforcement agencies involved or through liaison officers. In less urgent cases, information was exchanged through more formal channels, such as the European Police Office (Europol), EuroJust or diplomatic channels. Requests for formal legal assistance, routed through central agencies or authorities, were sent when it was

necessary to use investigative measures of a more intrusive nature in the requested State. The different tools involved made it necessary to find ways to ensure that information was received quickly, used expeditiously and did not trigger overlapping or inconsistent action on the part of multiple recipients. Another critical issue raised was the need to determine which of two or more jurisdictions involved in a case would be seen as the lead jurisdiction in the prosecution of the offenders. A further area of concern was the reluctance of some Governments to extradite their nationals. From a law enforcement perspective, those Governments appeared to be much more sensitive to concerns of national sovereignty than the offenders themselves, who generally did not give much thought to their nationality or citizenship.

30. The last panellist, also speaking from a law enforcement perspective, focused on the experiences in Southern Africa. The adoption of new instruments, many of them in support of efforts to ratify and implement the United Nations Convention against Transnational Organized Crime and the Protocols thereto, had provided the basis for strengthened international cooperation. Institutions such as committees had been created, primarily in the law enforcement sector, but also among prosecutors and other officials and, at the senior level, policy makers. Those institutions also fulfilled a liaison role with the International Criminal Police Organization (Interpol), and performed other functions, such as collecting and centralizing information on criminal records and coordinating joint training and operational activities. Some entities dealt with specific subjects, such as anti-corruption efforts and matters related to defence or security. With the exception of transnational trading in endangered species, the types of offences dealt with were generally consistent with those seen in other subregions. There were several significant limits on cooperation, including inadequate legislation, a shortage of elements of infrastructure, such as communications facilities, and a shortage of personnel adequately trained to make requests for cooperation or to respond to such requests. It was felt that those problems could be addressed through financial and technical assistance.

31. In summary, there appeared to be general consensus in several basic areas. International cooperation was becoming increasingly indispensable, particularly in view of the recent growth in various types of transnational crime. Most participants also agreed that, while much had been accomplished, there were still many legal and practical impediments to be overcome. The recent adoption of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was seen as a major opportunity to enhance international cooperation.[1] In order to implement fully those legal instruments and to enhance international cooperation in other areas, a considerable amount of institution-building needed to be done. In order for that to take place, many countries would require technical assistance and cooperation, whether bilaterally or through the involvement of the Centre for International Crime Prevention, which in turn would require substantial resources.

C. Workshop on the theme "Criminal justice reform: lessons learned, community involvement and restorative justice"

32. A workshop on the theme "Criminal justice reform: lessons learned, community involvement and restorative justice" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and coordinated by the United Nations Interregional Crime and Justice Research Institute. The workshop was chaired by the Vice-Chairman Javier Paulinich (Peru). Nine papers were presented at the workshop by various institutes of the Programme network, representing all regions. Concluding remarks were presented by the rapporteur of the workshop, Brian Tkachuk (International Centre for Criminal Law Reform and Criminal Justice Policy). Mr. Tkachuk informed the participants that the European Institute for Crime Prevention and Control, affiliated with the United Nations, would publish the proceedings of the workshop.

33. The initial presentation, sponsored by the International Centre for Criminal Law Reform and Criminal Justice Policy, provided the following working definition of restorative justice: "an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime—victim(s), offender and community—to identify and address their needs in the aftermath of a crime and seek a resolution that affords

healing, reparation and reintegration and prevents future harm". It was noted that, despite early achievements in the use of restorative justice, future restorative justice initiatives should be supported by evaluation and research and guided by principles such as those articulated in the revised draft resolution entitled "Basic principles on the use of restorative justice programmes in criminal matters" (E/CN.15/2002/L.2/Rev.1), to be recommended by the Commission at its eleventh session for adoption by the Economic and Social Council.

34. A case study on juvenile justice legislation in selected countries in Latin America was presented by the observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders. It emphasized the need for juvenile justice legislation to be guided by the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and other relevant international instruments.

35. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders presented a paper on community involvement in crime prevention and criminal justice through the use of volunteer probation officers in Japan.

36. The involvement of local communities in conciliatory and compensatory practices in African countries was the focus of a presentation by the observer for the African Institute for the Prevention of Crime and the Treatment of Offenders.

37. The International Scientific and Professional Advisory Council sponsored the presentation of legislative case studies on the adoption of restorative justice processes in Italy and Spain. The case studies reviewed the introduction of mediation and victim involvement in the criminal justice process and other dispositions such as stay of case, suspended sentencing, and cancellation of criminal record.

38. The observer for the National Institute of Justice of the United States Department of Justice gave a presentation on a case study that had been carried out in five cities in the United States of America. It described the design, implementation, evaluation and eventual expansion of the Children at Risk programme for children and juveniles. The presentation underlined the fact that concern had been voiced at earlier sessions of the Commission that care should be exercised in selecting programmes and practices to be recommended to Member States for possible adoption.

39. The presentation by the observer for the Naif Arab Academy for Security Sciences described the unique characteristics associated with the Shariah approach to crime prevention in Islamic countries.

40. The final presentation was made by the observer for the International Centre for the Prevention of Crime. It referred to policing and crime prevention and described the problems of traditional policing methods and the experience of community policing practices that had been developed in recent years. It considered whether the police had a central role to play in crime prevention or whether there was a need to redefine its role, placing the police as supporters of strategic crime prevention initiatives managed by citizen groups.

Chapter III

United Nations standards and norms in crime prevention and criminal justice

A. Structure of the debate

41. At its 4th and 5th meetings, on 17 and 18 April 2002, the Commission considered item 4 of its agenda. It had before it the following documents:

(a) Report of the Secretary-General on criminal justice reform: use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform (E/CN.15/2002/3);

(b) Note by the Secretary-General transmitting the report of the Meeting of the Group of Experts on Crime Prevention, held in Vancouver, Canada, from 21 to 24 January 2002 (E/CN.15/2002/4);

(c) Report of the Secretary-General on restorative justice (E/CN.15/2002/5 and Corr.1);

(d) Report of the meeting of the Group of Experts on Restorative Justice (E/CN.15/2002/5/Add.1);

(e) Report of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International

Commercial Transactions (E/CN.15/2002/6 and Add.2);

(f) Report of the Secretary-General on the implementation of the International Code of Conduct for Public Officials (E/CN.15/2002/6/Add.1 and 3);

(g) Report of the Secretary-General on the implementation of the United Nations Declaration on Crime and Public Security (E/CN.15/2002/11).

42. Following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Mexico, Colombia, Spain (on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), the Republic of Korea, Peru, Canada, Japan, Morocco, Saudi Arabia, Poland and the United States. Statements were also made by the observers for Germany, Austria, Turkey, Oman and Australia.

B. Deliberations

43. The Director of the Centre for International Crime Prevention brought to the attention of the Commission a number of documents related to the use and application of United Nations standards and norms in crime prevention and criminal justice. He noted that, as the first reporting cycle had been completed, guidance was needed on how to approach the next reporting cycle; he added that one possibility would be to cluster the reports around a number of major issues, thus streamlining the reporting procedure.

44. Speakers commended the Centre for International Crime Prevention for assisting States in developing national legislation and in reforming criminal justice systems, taking into account the United Nations standards and norms in crime prevention and criminal justice. They documented how those standards and norms were being used through substantive and procedural laws in their respective countries. They emphasized that the reports of the Secretary-General on the use and application of those standards and norms had provided useful information. The plan to publish an updated version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[39] was also welcomed.

45. A number of speakers recalled that the United Nations had, in its overall work priorities, emphasized pursuing sustainable development, gender equality and the alleviation of poverty. The overall priorities should be incorporated in the use and application of United Nations standards and norms in crime prevention and criminal justice. While the questions of violence against women and restorative justice could be addressed by certain aspects of those overall priorities, the use and application of those standards and norms should contribute even further to their implementation.

1. Restorative justice

46. Many speakers supported the idea of promoting restorative justice, seen as an opportunity for victims, offenders and the community to participate in the process of managing the harm done and restoring the victims and the offenders to their former states as far as possible. However, it was stressed that the restorative justice process should be understood as being complementary to the established modes of trial. It was noted that, in a number of countries, restorative measures had already been used successfully, particularly in cases involving young offenders and less serious crimes. In addition, in many countries restorative justice had a long tradition of dealing with community-based conflict resolution. The importance of qualified mediators, as well as the need to set up national standards for restorative justice, was highlighted.

47. Many speakers expressed their satisfaction with the work of the Group of Experts on Restorative Justice, which had held its meeting in Ottawa from 29 October to 1 November 2001. Reference was made to the revised draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters (E/CN.15/2002/5/Add.1, annex I), which the Group of Experts had developed as a guide to Member States. It was stressed that different cultural, social, economic and other circumstances should be taken into account. Many speakers noted that that type of normative instrument should set non-binding guidelines and recommendations. Some speakers regarded the basic principles as one example

[39] United Nations publication, Sales no. 92.IV.1.

of restorative justice measures and noted that other new approaches should be further developed and evaluated.

2. Effective community-based crime prevention

48. Knowledge-based crime prevention measures, complementing criminal justice responses, were generally seen as a cost-effective way to reduce crime and victimization and promote the well-being of citizens. Social development was mentioned as a key element of successful crime prevention, as it included providing support to vulnerable families and communities. Building partnership was also seen as a central component of successful crime prevention interventions. Many speakers stressed the importance of crime prevention measures, especially in connection with juvenile delinquency. Several speakers noted that they were pleased with the outcome of the Meeting of the Group of Experts on Crime Prevention, held in Vancouver, Canada, from 21 to 24 January 2002. Some speakers indicated that Member States should be given time to consider carefully the revised draft Guidelines for the Prevention of Crime (E/CN.15/2002/4, annex II), developed by the Group of Experts. There was a need for close coordination between specialized agencies and other entities of the United Nations system in developing efficient crime prevention measures and for technical cooperation activities in the field of crime prevention.

3. United Nations Declaration on Crime and Public Security

49. It was noted that, although the number of replies was not as high as desired, the information provided on the impact of the United Nations Declaration on Crime and Public Security (E/CN.15/2002/11) was welcomed. Emphasis was placed on the importance of the Declaration, especially for its value in enhancing international cooperation in criminal matters. Some speakers stressed the role of the Declaration in promoting bilateral or multilateral arrangements on extradition, mutual legal assistance and law enforcement cooperation and called upon Member States to intensify cooperation in those areas.

50. One speaker referred to the national strategy on public security in his country, noting that it was based on the principles of prevention, closeness to citizens and co-responsibility of different authorities, taking into account the elements of the Declaration to protect the security and well-being of citizens and to prevent serious crimes.

4. International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions

51. Several representatives stressed the relevance and the importance, in relation to the fight against corruption, of the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (Assembly resolution 55/191, annex). They noted that the reports of the Secretary-General on the implementation of those instruments (E/CN.15/2002/6 and Add.1-3) were a useful contribution to the ongoing negotiation of the draft United Nations Convention against Corruption.

52. During the discussion, the attention of the Commission was drawn to two conferences against corruption to be held in Seoul in May 2003: the third Global Forum on Fighting Corruption and Safeguarding Integrity and the 11th International Anti-Corruption Conference.

5. Reporting on United Nations standards and norms in crime prevention and criminal justice

53. During the discussion on the modalities for reporting on the use and application of United Nations standards and norms in crime prevention and criminal justice, it was noted that the Commission at its tenth session had agreed that the subject should be discussed further at its eleventh session, when the first cycle of information-gathering and reporting was to be completed. It was stated that many countries were still using those standards and norms as a basis for reforming their penal system. The existing United Nations standards and norms must therefore be considered on their own merits, independently of the development of future international instruments on criminal justice. Several speakers indicated that the issue would be best addressed by convening a meeting of an expert group to formulate proposals for consideration by the Commission at its twelfth session. The expert group could, for example, consider consolidating and streamlining reports or regrouping

questionnaires around cross-cutting topics in the area of criminal justice administration.

54. It was stressed that, despite its limited resources, the United Nations Crime Prevention and Criminal Justice Programme, with its advocacy, analytical and operational expertise, had contributed significantly to strengthening global efforts to fight crime. Some speakers, however, noted that the Programme should be very selective when developing United Nations standards and norms in crime prevention and criminal justice. There was agreement that the Centre for International Crime Prevention should focus on the use and application of those standards and norms in the context of technical assistance, responding to pressing needs of the international criminal justice community as required. A streamlined reporting system should be proposed with a view to increasing the impact of the use and application of those standards and norms, at the national and international levels.

C. Action taken by the Commission

55. At its 15th meeting, on 25 April, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Basic principles on the use of restorative justice programmes in criminal matters", sponsored by Argentina, Austria, Belgium, Benin, Bolivia, Botswana, Bulgaria, Canada, Colombia, Croatia, the Czech Republic, Germany, Greece, Hungary, Italy, Mexico, the Netherlands, Peru, Saudi Arabia, Senegal, Slovakia, South Africa, Uganda and Zimbabwe (E/CN.15/2002/L.2/Rev.1). (For the text, see chapter I, section B, draft resolution I.)

56. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Action to promote effective crime prevention", sponsored by Albania, Angola, Argentina, Australia, Austria, Benin, Bolivia, Botswana, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kuwait, Lithuania, Morocco, the Netherlands, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Yemen and Zimbabwe (E/CN.15/2002/L.3/Rev.2). (For the text, see chapter I, section B, draft resolution II.)

57. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice", sponsored by Australia, Austria, Benin, Bolivia, Botswana, Canada, Colombia, Costa Rica, Estonia, Finland, Germany, Hungary, Mexico and Uganda (E/CN.15/2002/L.10/Rev.2). (For the text, see chapter I, section B, draft resolution IV.)

Chapter IV

International cooperation in combating transnational crime

A. Structure of the debate

58. At its 6th, 7th and 9th meetings, on 18, 19 and 22 April, the Commission considered item 5 of its agenda. It had before it the following documents:

(a) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1);

(b) Report of the Secretary-General on progress made in the implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna (E/CN.15/2002/7);

(c) Report of the Secretary-General on effective measures to prevent and control computer-related crime (E/CN.15/2002/8);

(d) Report of the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes (E/CN.15/2002/9);

(e) Addendum to the report of the Secretary-General: results of the study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes (E/CN.15/2002/9/Add.1);

(f) Report of the Secretary-General on promoting the ratification of the United Nations

Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2002/10).

59. The Commission heard statements on agenda item 5 by the representatives of Colombia, Jamaica, Spain (on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), Saudi Arabia, France, Thailand, the United Kingdom of Great Britain and Northern Ireland, Egypt, Mexico, India, Poland, Canada, Morocco, Kyrgyzstan, Indonesia, the Netherlands, Peru and the United States. The Commission also heard statements by the observers for Jordan, Turkey, Sweden, Ecuador, Australia, Austria, Yugoslavia, Azerbaijan, Ukraine, the Republic of Korea, China, Burkina Faso, Angola, Croatia and Venezuela. Statements were also made by the observers for the International Association of Prosecutors, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Asian-African Legal Consultative Organization, the International Centre for Criminal Law Reform and Criminal Justice Policy and the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

B. Deliberations

60. The Director of the Centre for International Crime Prevention introduced the item by highlighting the efforts of the Centre to respond to the growing problem of transnational crime. He summarized activities of the Centre such as promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto; supporting the negotiation of the draft United Nations Convention against Corruption; supporting the work of the group of experts on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes; conducting research on developments in computer-related crime; and addressing the problem of illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources. The Director thanked donor countries for their support and highlighted the need for contributions to enable the Centre to assist States in implementing the United Nations Convention against Transnational Organized Crime and the Protocols thereto, pursuant to article 30 of the Convention and General Assembly resolutions 55/25 of 15 November 2000 and 56/120 of 19 December 2001.

1. United Nations Convention against Transnational Organized Crime and the Protocols thereto

61. There was general consensus that the signing, ratification and coming into force of the United Nations Convention against Transnational Organized Crime should be the greatest priority for the international community and the Centre for International Crime Prevention, in terms of both international action and domestic efforts. Many speakers stressed that, as the Convention and its Protocols had been finalized and adopted, it was time to put them to work.

62. While some representatives expressed concern at the slow pace of ratification, most reported on the ratification efforts in their countries and many indicated that their Governments expected to be in a position to ratify the United Nations Convention against Transnational Organized Crime, and in some cases one or more of its Protocols, within the coming year. Most agreed that there was reason for optimism. Most of the representatives also expressed strong support for the work of the Centre, in particular its efforts to support the ratification process, calling for increased contributions to the United Nations Crime Prevention and Criminal Justice Fund to ensure the continuation of that work, pursuant to article 30 of the Convention. One representative reported on a national law under which 25 per cent of the confiscated proceeds from cases involving organized crime would be contributed to that fund and suggested that others consider a similar course of action.

63. A number of speakers reported on pre-ratification meetings held at the regional or subregional level since the instruments were opened for signature, referring to declarations adopted by those meetings, some of which had been made available to the Commission as conference room papers. Some speakers supported the development of legislative guides on the United Nations Convention against Transnational Organized Crime and the Protocols thereto by the Governments of Canada and France, with the assistance of the International Centre for Criminal Law Reform and

Criminal Justice Policy and the Centre for International Crime Prevention.

64. Several speakers also referred to regional efforts or programmes established to assist in the ratification of the instruments or other efforts to combat transnational crime, such as the Asian hotline for sharing information about smuggling activities and the "24/7" contact network (operating 24 hours a day, 7 days a week) established by the Group of Eight and maintained by Interpol to provide rapid legal assistance in cases involving computer-related crime. Some speakers also reported on national or regional meetings held to consider the fight against organized crime or efforts to ratify and implement the instruments.

2. Action against corruption

65. The Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption outlined the recent work of the Ad Hoc Committee in preparing the draft United Nations Convention against Corruption. Several representatives thanked the Government of Argentina for hosting the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, which had been held in Buenos Aires in December 2001. Most speakers regarded corruption as a serious threat to democracy, transparency, good governance and the rule of law and expressed the view that the ongoing negotiations should produce effective measures for dealing with that problem. A number of speakers made reference to the need for a broad instrument, embodying the various elements considered by the Commission at its tenth session and subsequently adopted by the General Assembly in its resolution 56/260 of 31 January 2002, on the terms of reference for the negotiation of an international legal instrument against corruption. Several speakers also emphasized the importance of incorporating in the future convention measures on preventing and combating the transfer of funds of illicit origin and returning such funds to the countries of origin; they welcomed the holding of a one-day workshop on that subject in conjunction with the second session of the Ad Hoc Committee. One speaker noted that States members of the Organization of African Unity (OAU) were negotiating a similar instrument in Addis Ababa, under the auspices of OAU; he expressed the hope that that instrument would be consistent with the future United Nations convention against corruption. The representative of France indicated that his Government had made a voluntary contribution of 76,000 euro to facilitate the participation of least developed countries in the work of the Ad Hoc Committee in negotiating the new instrument against corruption.

66. A number of speakers also expressed support for the work accomplished within the framework of the global programme against corruption and thanked donors for supporting the programme; those speakers were of the view that the global programme should continue. In that context, mention was made of specific projects undertaken within the framework of the global programme, including projects in the areas of judicial integrity and the production of materials to assist in the development of integrated national anti-corruption strategies.

3. High-technology and computer-related crime

67. A number of speakers also addressed the issue of high-technology and computer-related crime. Several referred to national amendments and other measures to facilitate the ratification and implementation of the recently adopted Council of Europe Convention on Cybercrime.[40] A number of representatives of developing countries highlighted the need for technical assistance, including training and knowledge transfer, in order to build national capacity to prevent and investigate computer-related crime and to enable countries to become fully involved in international cooperation efforts. One speaker expressed support for the negotiation of an international legal instrument against computer-related crime; however, others shared the view expressed by several representatives at the tenth session of the Commission, namely that it was premature to negotiate such an instrument. Most speakers expressed the view that there was an urgent need for further research and technical cooperation to enable developing countries to counter computer-related crime.

68. Concerns were expressed about specific types of computer-related crime. One major concern was the issue of the use of information and communications technologies in the sexual exploitation of children, in particular to support sex tourism and to produce and disseminate child pornography, which had been highlighted at the second World Congress against

[40] Council of Europe, *European Treaty Series*, No. 185.

Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in December 2001. Concerns were also expressed about the use of information and communications technologies for drug trafficking, as highlighted in the *Report of the International Narcotics Control Board for 2001*,[41] and the misuse of such technologies in economic crimes such as manipulating electronic funds transfers, terrorist activities and stealing information that was valuable or sensitive for commercial reasons. The view was expressed that measures called for in the report of the Secretary-General on the conclusions of the study on effective measures to prevent and control high-technology and computer-related crime (E/CN.15/2001/4), submitted to the Commission at its tenth session, and in the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 56/261, annex, sect. XI), had not been followed up owing to lack of resources. One representative indicated that his Government was willing to actively support that work in the future.

4. Illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

69. Many speakers referred to the work of the group of experts on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. One speaker requested that the report of the Secretary-General and the results of the study (E/CN.15/2002/9 and Add.1) be taken into consideration in future work of the Centre for International Crime Prevention and other United Nations entities and that those documents be disseminated within the United Nations system. Some speakers expressed concern that the group of experts, in its study, had underestimated the seriousness of the problem. Some speakers expressed support for the negotiation of an additional international instrument on the subject, while others expressed the view that further action on that issue should not be considered a priority by the Commission. Additional concerns were expressed about the easy availability of technical information about explosives and explosive devices on the Internet.

5. Trafficking in human beings and the smuggling of migrants

70. A number of speakers, concerned about the problem of trafficking in human beings, expressed support for the global programme against such trafficking. Speakers also expressed concern about the smuggling of migrants. Some representatives drew attention to a range of domestic legislative and enforcement efforts to combat such trafficking and smuggling. Those efforts included taking steps to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex III), as well as regional activities such as the regional ministerial conference held in Nusa Dua, Indonesia, in February 2002, which had sent a strong message to organized criminal groups in Asian countries that trafficking in or smuggling of human beings would not be tolerated. The observer for the United Nations Mission in Bosnia and Herzegovina emphasized the seriousness of the problem in the Balkan area, its links with other forms of organized crime and the difficult challenge of combating such trafficking while at the same time attempting to re-establish basic criminal justice infrastructure. He encouraged the States in the Balkan area to work effectively together to deal with that problem.

6. Illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources

71. Several speakers referred to the existence of other relevant instruments, notably the Convention on International Trade in Endangered Species of Wild Flora and Fauna.[42] Others expressed the view that the future work of the Centre for International Crime Prevention in that area should be coordinated with the entities established to support relevant international instruments that had already been adopted and that a balance between national and international measures was needed. One speaker highlighted the seriousness

[41] United Nations publication, Sales No. E.02.XI.1, chap. I.

[42] United Nations, *Treaty Series*, vol. 993, No. 14537.

of the problem, which it considered to be second only to drug trafficking or trafficking in firearms in terms of the profits or volumes involved.

72. The observer for the Secretariat for the Convention on International Trade in Endangered Species of Wild Flora and Fauna indicated that, in dealing with the illicit trade in endangered species, his secretariat had extensive law enforcement experience; for example it had provided technical assistance to States in areas such as the investigation and prosecution of cases. He expressed the view that the greatest problem in that area was with respect to the setting of priorities and allocation of resources at the national level. He indicated the willingness of his secretariat to assist the Centre for International Crime Prevention, the Commission or any Member State in that regard.

7. Kidnapping

73. A presentation was made on the problem of kidnapping as a form of transnational organized crime. It was indicated that kidnapping was an extremely serious problem, resulting in deaths and suffering for the victims and their families, generating proceeds that were subsequently used by organized criminal groups for other illicit purposes, such as to exert influence on local and national governments. It was noted that kidnapping was committed by conventional organized criminal groups or by subversive groups, either separately or jointly; in the case of joint operations, criminal groups would kidnap persons and then "sell" them to subversive groups. The kidnapping tactics used in one country were sometimes copied in others. The victims generally included a substantial number of foreigners.

8. Other issues

74. Concern was expressed about a number of other types of crime commonly associated with organized criminal groups and elements of transnationality, including drug trafficking, trafficking in firearms and other weapons, terrorism and related activities, money-laundering and the smuggling and illicit disposal of toxic or dangerous substances such as radioactive waste. One speaker emphasized the need to avoid deporting offenders to countries that had few resources and no adequate social or criminal justice facilities to deal with them. In some cases, the offenders had left their countries of origin as children and had been deported without having any contacts or the means of integrating themselves into society; that placed a severe burden on the recipient country, which had little or no connection with the offenders or their criminal behaviour.

C. Action taken by the Commission

75. At its 15th meeting, on 25 April 2002, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a revised draft resolution entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", sponsored by Algeria, Belarus, Benin, Botswana, Bulgaria, Canada, France, Hungary, Italy, Japan, Mexico, Namibia, Pakistan, Panama, Romania, Senegal, Spain, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Yemen and Zimbabwe (E/CN.15/2002/L.8/Rev.1). (For the text, see chapter I, section A, draft resolution I.)

76. A representative of the Secretariat informed the Commission that the General Assembly, in its resolution 56/254 A of 24 December 2001, had approved the appropriation of $5,733,800 for the biennium 2002-2003 under section 14 (Crime prevention and criminal justice). The appropriation provided, in particular, for the establishment of three new Professional posts and one new General Service post in order to carry out the mandates on the promotion of the ratification and implementation of the United Nations Convention against Transnational Organized Crime. The requirements for the work of the Centre for International Crime Prevention for the biennium 2004-2005 in connection with the implementation of the United Nations Convention against Transnational Organized Crime would be included in the proposed programme budget for the biennium 2004-2005, which would be submitted to the General Assembly at its fifty-eighth session, in 2003. The attention of the Commission was drawn to section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly had

reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and had reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

77. Also at its 15th meeting, on 25 April, the Commission also recommended that the Economic and Social Council approve for adoption by the General Assembly a revised draft resolution entitled "High-level political conference for the purpose of signing the United Nations Convention against Corruption", sponsored by Argentina, Benin, Bolivia, Botswana, Cuba, Ecuador, Mali, Mexico, Morocco, Peru, Spain, Thailand, Turkey and Ukraine (E/CN.15/2002/L.9/Rev.1). (For the text, see chapter I, section A, draft resolution II.) A representative of the Secretariat informed the Commission that no resources had been included under section 2 (General Assembly affairs and conference services) and section 27F (Administration Vienna) of the programme budget for the biennium 2002-2003 to cover the additional requirements of $137,900 and $23,300, respectively. In the light of the operations of conference services experienced in the biennium 2000-2001, when substantial overexpenditures were incurred, it would not be possible to absorb the additional conference-servicing requirements entailed by the request in the draft resolution contained in document E/CN.15/2002/L.9/Rev.1. Those requirements would need to be met through additional appropriation by the General Assembly. The representative noted, however, that provisions had been included under section 2 of the programme budget for the biennium 2002-2003 for conference services for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. He indicated that it was currently not certain when that convention would enter into force and therefore whether the Conference of the Parties would be convened during the current biennium. If the Conference of the Parties were not to be convened during the current biennium, conference-service resources budgeted for that purpose could be redeployed for the proposed high-level political conference.

78. After the Commission had recommended the approval by the Economic and Social Council for adoption by the General Assembly of the revised draft resolution contained in document E/CN.15/2002/L.9/Rev.1, the representative of the United States made a statement indicating that the United States would be able to join consensus on the resolution on the assumption that every effort would be made to find savings or cost-cutting measures, including within conference services, in order to cover the cost of the conference within the current budget.

79. At its 15th meeting, on 25 April, the Commission also recommended that the Economic and Social Council approve for adoption by the General Assembly a revised draft resolution entitled "Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century", sponsored by Indonesia, Pakistan, Thailand, Turkey and Ukraine (E/CN.15/2002/L.15/Rev.1). (For the text, see chapter I, section A, draft resolution III.)

80. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children", sponsored by Australia, Belgium, Bolivia, Canada, Croatia, the Czech Republic, Greece, Hungary, Mexico, Panama, Romania, Slovakia, Spain, the former Yugoslav Republic of Macedonia and Uganda (E/CN.15/2002/L.5/Rev.1). (For the text, see chapter I, section B, draft resolution III.)

81. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims", sponsored by Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Mexico, Morocco, Peru, South Africa, Spain, Ukraine and Venezuela (E/CN.15/2002/L.11/Rev.1). (For the text, see chapter I, section B, draft resolution V.) A representative of the Secretariat drew the attention of the Commission to section VI of General Assembly resolution 45/248 B, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and had reaffirmed also the role of

the Advisory Committee on Administrative and Budgetary Questions.

82. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Illicit trafficking in protected species of wild flora and fauna", sponsored by Argentina, Bolivia, Botswana, Colombia, Cuba, Ecuador, Hungary, Indonesia, Iran (Islamic Republic of), Mexico, Peru, Turkey and Venezuela (E/CN.15/2002/L.14/Rev.1). (For the text, see chapter I, section B, draft resolution VII.)

Chapter V

Work of the Centre for International Crime Prevention

A. Structure of the debate

83. At its 5th meeting, on 18 April, the Commission considered agenda item 6. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1).

84. Following an introductory statement by the representative of the Centre for International Crime Prevention, the Commission heard a statement by the representatives of Spain (on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), Japan, the United States, the Netherlands and Egypt. The observers for Croatia, the Republic of Korea, Slovakia and Turkey also made statements to the Commission. The observer for the United Nations Interregional Crime and Justice Research Institute made a statement on behalf of the members of the United Nations Crime Prevention and Criminal Justice Programme network and a statement on behalf of the United Nations Interregional Crime and Justice Research Institute.

85. At its 7th meeting, on 19 April, the Commission continued its discussion of agenda item 6. The Commission heard statements by the representatives of the Netherlands and Nigeria. The observer for Hungary also made a statement.

B. Deliberations

86. Participants expressed their appreciation for the excellent quality of the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1). Participants recognized the importance of the technical cooperation work conducted by the Centre and the efforts by the Centre to focus on those areas where it had a comparative advantage. Member States were called upon to make contributions to the Centre, in order to increase its donor base; States already contributing were called upon to consider increasing their contributions to the United Nations Crime Prevention and Criminal Justice Fund. Participants also recognized the need for the Centre to receive a reasonable level of unearmarked funds in order to enable it to support the implementation of its technical cooperation programme. The representative of Japan announced that his Government had agreed not to earmark a portion of its contribution for 2001 (US$ 50,000) and that it was considering providing an additional US$ 200,000, through the United Nations Human Security Fund, for the second phase of the Centre's project to combat trafficking in human beings in the Philippines. The representative of the Netherlands announced that his Government would provide the Centre with an additional US$ 100,000 to facilitate the participation of least developed countries in the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. The observer for the Republic of Korea informed the Commission that, since 2000, his Government had increased its voluntary contributions to the level that it had attained prior to his country's financial crisis and that it intended to provide the services of a prosecutor, as an associate expert, to support the work of the Centre. The observer for Turkey also announced that his Government was considering increasing its contribution to the Centre. Participants, recalling General Assembly resolution 56/123 of 19 December 2001, called upon the Secretary-General to provide increased resources from the regular budget of the United Nations in order to enable the Centre to discharge its work, taking into account the priority of the new mandates entrusted to it.

87. Participants acknowledged and supported the work of the Centre for International Crime Prevention in promoting the ratification of the United Nations

Convention against Transnational Organized Crime and the Protocols thereto. Some participants recognized that, while the Centre had a role to play in preventing and combating terrorism, it should mainly focus on supporting Member States' efforts to ratify international legal instruments, in cooperation with the Office of Legal Affairs of the Secretariat.

88. A number of speakers welcomed the fact that the Centre for International Crime Prevention had, in the past few years, evolved from something akin to an academic institution into a vibrant organization, providing assistance to Member States to produce tangible results in combating crime. They emphasized that the Centre should continue to concentrate its technical cooperation in a limited number of areas of priority. They suggested that no additional international legal instrument should be prepared at the current stage and that the Centre should focus its efforts on the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and on the completion of the negotiation of the draft United Nations Convention against Corruption. It was also noted that the plans of action for the implementation of the Vienna Declaration did not provide specific mandates for the work ahead but should be seen as a suggested framework for the Centre to consider in planning future work. Speakers commended and supported the important technical cooperation work of the Centre through the global programmes against corruption, trafficking in human beings and transnational organized crime. Two speakers referred in particular to the important and successful technical cooperation work conducted by the Centre in assisting their Governments in combating corruption and trafficking in human beings. Two speakers expressed concern at the prospect of the Centre's anti-corruption work having to be scaled down owing to lack of resources; they appealed to donors to provide additional resources to enable that work to continue. Another speaker stressed that the Commission should not assign new tasks to the Centre without allocating the necessary resources and that the Commission should review reporting requirements and exercise restraint in calling for additional reports. Two speakers supported the project initiatives, developed jointly with the Centre, for the reform of the juvenile justice system and for combating trafficking in persons.

89. The observer for the United Nations Interregional Crime and Justice Research Institute, speaking on behalf of the members of the United Nations Crime Prevention and Criminal Justice Programme network, informed the Commission that the members of the Programme network had conducted activities supporting the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme. The Commission was also informed that members of the Programme network had organized a workshop on criminal justice reform on 17 April 2002. The United Nations Interregional Crime and Justice Research Institute had also been involved in the research component of projects, carried out jointly with the Centre for International Crime Prevention, targeting corruption, trafficking in human beings and organized crime.

C. Action taken by the Commission

90. At its 15th meeting, on 25 April 2002, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "International cooperation, technical assistance and advisory services in crime prevention and criminal justice", sponsored by Algeria, Angola, Argentina, Bolivia, Botswana, Cape Verde, Colombia, Côte d'Ivoire, Ecuador, Guatemala, Hungary, Kuwait, Mexico, Morocco, Peru, the Philippines, Slovakia, South Africa, Turkey, Ukraine and Venezuela (E/CN.15/2002/L.12/Rev.1). (For the text, see chapter I, section B, draft resolution VI.) A representative of the Secretariat informed the Commission that, for the biennium 2002-2003, the General Assembly at its fifty-sixth session had approved $923,100 under section 21 for technical cooperation activities related to crime prevention and criminal justice. He drew the attention of the Commission to section VI of Assembly resolution 45/248 B, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and had reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

Chapter VI

Strengthening international cooperation in combating terrorism

A. Structure of the debate

91. At its 7th, 8th and 9th meetings, on 19 and 22 April 2002, the Commission considered item 7 of its agenda. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1). Following an introductory statement made on behalf of the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Algeria, Spain (on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), Bulgaria, Belarus, the Islamic Republic of Iran, Japan, India, Egypt, Colombia, Pakistan, Mexico, the United Kingdom, Peru, Saudi Arabia, the United States, Uzbekistan, Canada, Tunisia and Nigeria. The Commission also heard statements by the observers for Liechtenstein, Jordan, Yemen, Turkey, Cuba, Azerbaijan, Ukraine, Italy, China, the former Yugoslav Republic of Macedonia, Iraq, Austria, Benin, the Republic of Korea, Australia and Croatia. The observer for the International Council of Women also made a statement.

B. Deliberations

92. The Director of the Centre for International Crime Prevention, in introducing item 7, explained the developments in the area of terrorism prevention activities carried out by United Nations entities since the tenth session of the Commission and, in particular, since the terrorist attacks of 11 September 2001.

93. All speakers emphasized that their Governments had condemned international terrorism in all its forms and manifestations. It was stressed that no State was immune from the threat of terrorism and that no State could prevent its territory from being used for terrorist activities. A number of speakers referred to acts of terrorism perpetrated in their countries.

94. Many representatives brought to the attention of the Commission their Governments' record of participation in the legal regime of existing global and regional instruments related to the prevention and suppression of international terrorism. Some speakers stressed the need for those States which were not yet parties to those instruments to accede to them as soon as possible. Some speakers also supported the speedy finalization of the draft comprehensive convention on international terrorism by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996.

95. A number of representatives outlined the measures taken in their countries in view of the terrorist attacks in the United States on 11 September 2001 in the areas of legislation, law enforcement and the suppression of the financing of terrorism, pursuant to Security Council resolution 1373 (2001) of 28 September 2001.

96. Many speakers emphasized the crucial role of enhanced international cooperation and pointed out that international terrorism, being a transnational phenomenon, could not be effectively addressed by any single State but required efforts by the international community as a whole. The importance of cooperation with regional organizations, such as the Organization for Security and Cooperation in Europe, Europol and the Association of South-East Asian Nations, was also stressed, as was the need for intelligence-sharing, information exchange and close cooperation at the operational level.

97. Several speakers referred to measures to combat terrorism taken at the regional level; for example, it was noted that, shortly after the terrorist attacks of 11 September 2001, the European Council had declared the fight against terrorism to be a priority objective of the European Union. Reference was also made to 79 specific measures to deal with terrorism that had been decided upon by the European Union. The Commission was also informed that the European Union had started to implement its plan of action on that subject and that, inter alia, a political agreement had been reached on a common definition of various types of terrorist crimes. Reference was also made to the European arrest warrant, the judicial cooperation unit EuroJust, and Europol, whose mandate had been expanded to include the fight against terrorism.

98. Most representatives said that it was important for the United Nations playing a central role in the consideration of measures aimed at preventing and combating terrorism. They pointed out that the United Nations had provided the most appropriate framework for global efforts to combat terrorism. They also viewed the Centre for International Crime Prevention and its Terrorism Prevention Branch as playing an effective and complementary role in the overall efforts of the United Nations in that area. The leading role of the Counter-Terrorism Committee of the Security Council in coordinating the fight against international terrorism was stressed. It was pointed out that there should be close coordination and cooperation between the Centre for International Crime Prevention and the Counter-Terrorism Committee and the Office of Legal Affairs of the Secretariat.

99. Broad understanding was expressed that the Centre for International Crime Prevention and its Terrorism Prevention Branch should provide to interested States technical cooperation, in particular technical assistance for the ratification and implementation of the international legal instruments related to the prevention and suppression of international terrorism. Several speakers welcomed the proposal developed by the Centre on strengthening the legal regime against terrorism, whereby the Centre would assist developing countries and provide technical cooperation in that area. One speaker called for the establishment of an international support fund to provide multiform assistance to assist developing countries in adopting measures to bring their legislation in line with their obligations under the relevant international legal instruments. One speaker called for the establishment of an international fund to support developing countries, especially in harmonizing their national legislation with the international legal instruments that they had signed and the acquisition of equipment necessary to mount a global response to the threat posed by international terrorism.

100. Speakers commended the work accomplished by the Terrorism Prevention Branch despite the limited resources available to it. Numerous speakers underscored the need for strengthening the Branch by providing it with additional human and financial resources, as well as the necessary equipment, to enable it to carry out its mandate. Some speakers, however, pointed out that other programmes of the Centre for International Crime Prevention should not be weakened in order to strengthen the Branch and that an evaluation of the effectiveness of its activities was required before a sound strategy for countering terrorism could be developed. Support was expressed for various programmes of the Office for Drug Control and Crime Prevention, such as the Global Programme against Money-Laundering.

101. With regard to the future role of the Terrorism Prevention Branch, there was broad agreement on the importance of providing legal assistance and technical cooperation under appropriate conditions and in close consultation with the Office of Legal Affairs, as well as the Member States concerned, in coordination with the Counter-Terrorism Committee. Various views were expressed regarding the priorities of the Branch, especially in connection with its research activities. While some speakers highlighted the need for the Branch to study the root causes of international terrorism, others were of the view that it should instead focus on technical cooperation. A number of representatives referred to the current limited research capabilities of the Branch and encouraged it to study the links among terrorist activities and other crimes such as illicit arms trafficking, drug trafficking, trafficking in human beings and money-laundering.

102. A number of speakers referred to the tasks outlined in the plans of action for the implementation of the Vienna Declaration, which included a plan of action against terrorism (General Assembly resolution 56/261, annex, sect. VII). One speaker recalled that the plan of action against terrorism did not constitute a new mandate for the Terrorism Prevention Branch but provided guidance for action; thus, the mandates for the Branch were, in his view, contained in Assembly resolutions 52/220 of 22 December 1997, 55/158 of 12 December 2000 and 56/123. Other speakers stressed that the plans of action constituted an important step in developing the activities that the Centre for International Crime Prevention should perform with a view to contributing to the global fight against terrorism.

103. Several speakers stressed that the fight against terrorism required that a definition of terrorism be agreed upon, in order to avoid double standards. The view was expressed that such a definition would be helpful to various United Nations entities involved in activities related to countering terrorism. A number of

representatives were of the view that a clear distinction should be made between terrorism and the legitimate struggle of peoples for self-determination and resistance against foreign occupation. It was noted that terrorism should not be linked to any specific religion, creed or ethnic group. On the other hand, the view was also expressed that any such distinction was not warranted. It was also stressed that, in combating terrorism, basic human rights should not be infringed upon but respected by all concerned. However, it was also stressed that the human rights of terrorists should not take precedence over those of their victims. The view was expressed that crimes of terrorism should not be considered political offences.

104. Some speakers referred to policies and practices of Israel in the occupied Palestinian territory as State terrorism. In response, a view was expressed that the Commission was not the appropriate forum in which to raise political issues and that there were other forums within the United Nations system for that purpose.

105. Several speakers called for a high-level international conference on terrorism, to be held under the auspices of the United Nations, which would, among other things, define international terrorism and develop a comprehensive international strategy for combating terrorism. Conversely, a view was expressed against the holding of such a conference.

106. There was broad support for the symposium entitled "Combating international terrorism: the contribution of the United Nations", to be held in Vienna on 3 and 4 June 2002 with the support of the Government of Austria. It was noted that the Chairman of the Counter-Terrorism Committee would be playing an important role at the symposium. The observer for Austria, the host country for the symposium, stated that the General Assembly, in its resolution 56/88 of 12 December 2001, had urged all States and the Secretary-General, in their efforts to prevent international terrorism, to make best use of the existing institutions of the United Nations. The view was expressed that one of the goals of the symposium should be to clarify the role of the Vienna based United Nations entities in relation to the overall efforts of the Organization to combat terrorism.

C. Action taken by the Commission

107. At its 15th meeting, on 25 April 2002, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism", sponsored by Algeria, Austria, Cuba, India, Italy, Jordan, Nigeria, Pakistan, Peru, the Philippines, Spain, Turkey and Uzbekistan (E/CN.15/2002/L.16/Rev.1). (For the text, see chapter I, section B, draft resolution VIII.)

108. At the same meeting, the Commission adopted a revised draft resolution entitled "Symposium entitled 'Combating international terrorism: the contribution of the United Nations'", sponsored by Algeria, Austria, Estonia, Finland, Germany, India, Italy, Jordan, Kuwait, Morocco, Peru, the Philippines, Poland, Portugal, Romania, Saudi Arabia, Slovakia, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan (E/CN.15/2002/L.13/Rev.1). (For the text, see chapter I, section C, resolution 11/1.)

Chapter VII

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

A. Structure of the debate

109. At its 8th, 9th and 11th meetings, on 22-24 April 2002, the Commission considered agenda item 8. It had before it the report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2002/12).

110. The Commission heard statements from the representatives of Spain (on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), Argentina, Bolivia, Canada, Egypt, Poland, Thailand and the United States. The Commission also heard statements by the

observers for Australia, China, Cuba, Finland and Kuwait. Statements were also made by the observers for the Asian-African Legal Consultative Organization, the Asian Crime Prevention Foundation and the International Scientific and Professional Advisory Council.

B. Deliberations

111. In introducing agenda item 8, the Director of the Centre for International Crime Prevention noted that the Commission at its tenth session had reviewed the role, function and periodicity of the United Nations congresses on crime prevention and criminal justice. At that session, representatives had expressed their satisfaction with the outcome of the Tenth Congress and had emphasized the importance of the congresses as a unique opportunity for a broad spectrum of participants at various levels to exchange views and experiences in the field of crime prevention and criminal justice. He noted that the General Assembly, in its resolution 56/119 of 19 December 2001, had requested the Commission at its eleventh session to formulate recommendations regarding the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, including recommendations on the main topic, the organization of round tables and workshops and the venue and duration of the Eleventh Congress. He drew the attention of the Commission to the report of the Secretary-General on the preparations for the Eleventh Congress (E/CN.15/2002/12), which contained the views received by States, entities of the United Nations system, other intergovernmental organizations, non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

112. Many speakers emphasized the importance of the congresses for the exchange of information on trends and problems in criminal justice. It was noted that the congresses provided the opportunity for States to come together and build alliances against crime, presenting a forum for formulating global strategies and taking stock of cooperative efforts in combating crime. Many speakers expressed appreciation for the work done by the Centre for International Crime Prevention in preparing for the congresses.

113. The representative of Thailand, noting that the congresses had not been held in Asia and the Pacific for 30 years, drew the attention of the Commission to his Government's offer to host the Eleventh Congress in 2005. He expressed gratitude to the members of the Group of 77 and China and the Group of Asian States for their endorsement of his Government's offer.

114. All those who spoke on this item expressed gratitude to the Government of Thailand for having offered to act as host to the Eleventh Congress. Many voiced their support for the preparations for the Eleventh Congress.

115. One representative noted that the congresses should be streamlined and organized more efficiently, in order to preserve costs; for example, it might be possible to shorten the duration of the congresses. Another speaker expressed the view that the congresses should be held every three years and that workshops and expert group meetings could be held during the intervening years.

116. It was noted that the General Assembly, in its resolution 56/119, had decided that each of the congresses should adopt a declaration containing recommendations derived from the high-level segment. It was suggested that the high-level segment should also be held at the end of the congress. The remaining time of the congress could be taken up by workshops, which would constitute the main forum for the exchange of information and the identification of trends and best practices. The importance of ancillary meetings was highlighted.

117. One representative drew the attention of the Commission to the reports of the Secretary-General on gender mainstreaming. He encouraged the Secretariat and the Commission to take due account of the issue of gender equality in the preparations for the Eleventh Congress.

118. One representative expressed the view that, given that the high-level segment during the Tenth Congress raised the profile of international criminal justice issues within the political arena, instead of holding plenary meetings on specific items, the high-level segment could be extended for a slightly longer period, during which the focus could be on round-table discussions.

119. The representative of Thailand drew the attention of the Commission to the revised draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice"

(E/CN.15/2002/L.4/Rev.1), containing proposals on the main theme and topics for the provisional agenda of the Eleventh Congress and on the issues for discussion in the workshops to be held within the framework of the Eleventh Congress.

120. The representative of Spain (speaking on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey) expressed support for topics related to organized crime and corruption. He reasoned that, by the year 2005, the international community would have gained experience in matters concerning the United Nations Convention against Transnational Organized Crime and the future United Nations convention against corruption; consequently, the Eleventh Congress would be a good opportunity to carry out an analysis of the progress made in the implementation of those conventions. Accordingly, another representative suggested that the theme for the Eleventh Congress could be the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. A third representative suggested that the theme could be "Practical ways to follow up the United Nations Convention against Transnational Organized Crime and its Protocols".

121. One representative, noting that the Commission should bear in mind the requirement of prospective effectiveness of the congresses when choosing the main theme, and proposed that the theme be "Transnational cooperation of States as a response to transnational crime".

122. With regard to topics for the draft provisional agenda of the Eleventh Congress, the view was expressed that any list of topics suggested at the current session of the Commission might be refined during its intersessional meetings and finalized at its twelfth session. The topics should reflect emerging issues in crime prevention and criminal justice. Several representatives suggested a topic on combating terrorism, in view of recent developments.

123. The representative of Spain (speaking on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey) suggested the inclusion of the following in the draft provisional agenda for the Eleventh Congress: trafficking in human beings, organized crime, money-laundering and crime prevention and a victim-oriented approach to crime prevention. Several speakers agreed with the proposals made on the topics for the Eleventh Congress in the revised draft resolution contained in document E/CN.15/2002/L.4/Rev.1. Other suggested items included combating corruption, the prevention of urban crime, and assessing successes and failures of crime prevention strategies. With regard to the latter, the role of research institutes, in particular the United Nations Interregional Crime and Justice Research Institute, and other entities providing information on crime trends was noted.

124. The view was expressed that the issues to be discussed in the workshops should be selected according to five criteria: the issues should be of interest to both developing countries and developed countries; they should be multidisciplinary; they should identify emerging problems; they should focus on problems and practical solutions that would foster technical cooperation; and they should have a spin-off effect by stimulating work that would be carried out after the conclusion of the Eleventh Congress.

125. Many representatives agreed with the issues for discussion in the workshops as proposed in the revised draft resolution contained in document E/CN.15/2002/L.4/Rev.1. However, several speakers were of the view that any list of issues to be discussed in the workshops would have to be adapted to emerging developments.

126. The representative of Spain (speaking on behalf of the States members of the European Union and the following associated States: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey) suggested the following issues for discussion in the workshops: alternatives to incarceration and prison overcrowding; analysis of international crime trends; juvenile delinquency and alternative youth sanctions; and the fight against economic crime. It was noted that, given the experience gained from new alternative sanctions such as community service, electronic monitoring and mobile phone monitoring, the Eleventh Congress would be a good opportunity to evaluate their possible benefits.

127. Prison reform, restorative justice and juvenile justice were repeatedly mentioned by participants as

possible issues for discussion in the workshops. One participant specifically suggested "Crime prevention strategies for youth at risk" as one of the issues, adding that it included, for example, strategies for preventing school-based violence, for keeping youth at risk from being recruited by organized gangs and for preventing youth from having to re-enter the juvenile justice system. Several representatives suggested including high-technology and computer-related crimes, as well as money-laundering, as possible issues for discussion in the workshops. One speaker suggested including as an issue "Government and industry partnerships in preventing and combating computer crime". Other speakers were of the view that the workshops should focus on issues relating to international cooperation in the fight against transnational crime. Victim protection and compensation, as well as issues relating to the reintegration of victims, should form part of the discussions.

C. Action taken by the Commission

128. At its 15th meeting, on 25 April 2002, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a revised draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice", sponsored by Argentina, Australia, Canada, China, Cuba, Hungary, Iran (Islamic Republic of), Japan, Mexico, Pakistan, Panama, the Republic of Korea, Romania, Slovakia, Thailand, Turkey, Ukraine and Viet Nam (E/CN.15/2002/L.4/Rev.2). (For the text, see chapter I, section A, resolution IV.) A representative of the Secretariat informed the Commission that during the biennium 2002-2003, a discussion guide for the regional preparatory meetings would be prepared. That activity would be conducted within the resources available within section 14 (Crime prevention and criminal justice) of the programme budget. The requirements for the regional preparatory meetings for the Eleventh Congress, as well as for the Congress itself, would be included in the proposed programme budget for the biennium 2004-2005, which would be submitted to the General Assembly at its fifty-eighth session, in 2003. In relation to operative paragraph 12 of the revised draft resolution, in which the Assembly would request the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and in the Congress itself, in accordance with past practice, the cost of travel for one representative from each least developed country to the Congress and to the regional preparatory meeting held in the region of which each least developed country was a member would be included in the proposed programme budget for the biennium 2004-2005. The attention of the Commission was drawn to section VI of Assembly resolution 45/248 B, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and had reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

Chapter VIII

Strategic management and programme questions

A. Structure of the debate

129. At its 10th meeting, on 22 April, the Commission considered agenda item 9. It had before it the following documents:

(a) Relevant sections of the report of the Committee for Programme and Coordination on its forty-first session (11 June-6 July 2001) (A/56/16);

(b) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the inspection of programme management and administrative practices of the Office for Drug Control and Crime Prevention (A/56/83);

(c) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the triennial review of the implementation of the recommendations made by the Committee for Programme and Coordination at its thirty-eighth session on the in-depth evaluation of the United Nations crime prevention and criminal justice programme (E/AC.51/2001/5);

(d) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1);

(e) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2002/13).

130. The Commission also had before it a conference room paper on proposed revisions to the medium-term plan for the period 2002-2005 (E/CN.15/2002/CRP.1).

131. At its 10th meeting, on 22 April, following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements from the representatives of the Netherlands and the United States. The observer for the United Nations Interregional Crime and Justice Research Institute also made a statement.

B. Deliberations

132. The Director of the Centre for International Crime Prevention stressed the importance of the intersessional work of the Commission, carried out through its bureau and the meetings of permanent representatives, and the selection of the main theme for its twelfth session. He informed the Commission that the proposed revisions to programme 12 (Crime prevention and criminal justice) of the medium-term plan for the period 2002-2005 arose from the need to incorporate in the medium-term plan those decisions taken by intergovernmental bodies since the adoption of the medium-term plan by the General Assembly in its resolution 55/234 of 23 December 2000. The views of the Commission on the proposed revisions would be submitted to the Committee for Programme and Coordination. The Director also called the attention of the Commission to the report of the Office for Internal Oversight Services on the triennial review of the implementation of the recommendations made by the Committee for Programme and Coordination at its thirty-eighth session on the in-depth evaluation of the United Nations programme on crime prevention and criminal justice (E/AC.51/2001/5), as well as action taken by the Committee, and to the report of the Office for Internal Oversight Services on the inspection of programme management and administrative practices in the Office for Drug Control and Crime Prevention (A/56/83).

133. Speakers expressed support for the proposed revisions to the medium-term plan; some emphasized the need to reflect in those revisions the decisions of the Commission at its eleventh session. It was noted that the proposed revisions relating to the work of the Centre for International Crime Prevention in the area of prevention of international terrorism, in paragraph 12.3 (f), should be aligned fully with the relevant text of the plans of action for the implementation of the Vienna Declaration.

134. Reference was made to the reports of the Office for Internal Oversight Services contained in documents E/AC.51/2001/5 and A/56/83, as well as to the relevant sections of the report of the Committee for Programme and Coordination on its forty-first session (A/56/16). Speakers expressed satisfaction with the direction being taken by the Office for Drug Control and Crime Prevention regarding the necessary management reform and the steps pursued by the Centre for International Crime Prevention to follow up on the triennial review. It was stressed that those processes should be ongoing. Efforts should also continue for ensuring a well-defined and focused programme of work for the Centre. It was noted that the Commission at its eleventh session should address measures for streamlining the monitoring of United Nations standards and norms in crime prevention and criminal justice, a subject raised in the report of the Office for Internal Oversight Services on the triennial review (E/AC.51/2001/5, paras. 9-13).

135. The observer for the United Nations Interregional Crime and Justice Research Institute informed the Commission of the readiness of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to continue to organize the workshop on the main theme for the twelfth session of the Commission, as they had done for the eleventh session.

Chapter IX

Provisional agenda for the twelfth session of the Commission.

136. At its 15th meeting, on 25 April, the Commission on Crime Prevention and Criminal Justice considered

the provisional agenda for its twelfth session. It had before it a draft decision entitled "Report of the Commission on Crime Prevention and Criminal Justice on its eleventh session and provisional agenda and documentation for its twelfth session, and organization of work and themes for its future sessions" (E/CN.15/2001/L.1/Add.3).

Action taken by the Commission

137. At the same meeting, following introductory statements by the Chairman and the Rapporteur and a general discussion of the draft provisional agenda for its twelfth session, the Commission approved the draft decision for adoption by the Economic and Social Council. (For the text, see chapter I, section C, draft decision I.)

Chapter X

Adoption of the report of the Commission on its eleventh session

138. The Commission considered item 11 of its agenda, entitled "Adoption of the report of the Commission on its eleventh session", at its 15th meeting, on 25 April 2002. The Rapporteur introduced the draft report (E/CN.15/2002/L.1 and Add.1-10).

Action taken by the Commission

139. At the same meeting, the Commission adopted by consensus the report on its eleventh session (E/CN.15/2002/L.1 and Add.1-10), as orally amended.

Chapter XI

Organization of the session

A. Opening and duration of the session

140. The Commission on Crime Prevention and Criminal Justice held its eleventh session in Vienna from 16 to 25 April 2002. The Commission held 15 meetings. The Committee of the Whole held its meetings in parallel with the plenary.

141. The eleventh session of the Commission was opened by the Vice-Chairman of its tenth session, Tajeddine Baddou (Morocco), on behalf of the outgoing Chairman, Shaukat Umer (Pakistan), who briefly described the work that had been accomplished during the intersessional meetings of the Commission and the meetings of the extended bureau.

142. The Officer-in-Charge of the Office for Drug Control and Crime Prevention addressed the Commission. Statements were also made at the opening meeting of the Commission by the representative of the Philippines (on behalf of the Group of 77 and China), the representative of the Sudan (on behalf of the Group of African States), the representative of the Republic of Korea (on behalf of the Group of Asian States), the representative of Argentina (on behalf of the Group of Latin American and Caribbean States), the Minister of Justice of Croatia, the Minister of the Interior of Lithuania, the Deputy Minister of Foreign Affairs of the Russian Federation and the representatives of Egypt, the United States and the Czech Republic.

143. The Officer-in-Charge of the Office for Drug Control and Crime Prevention announced that the Secretary-General had appointed Antonio Maria Costa as the new Executive Director of the Office for Drug Control and Crime Prevention and that he would assume his new responsibilities on 7 May 2002. The Officer-in-Charge gave an overview of the work and accomplishments of the Centre for International Crime Prevention, emphasizing that the resources available to it were still minimal and could not be seen as being commensurate with its mandates.

144. The Minister of Justice of Croatia indicated that Croatia intended to ratify the United Nations Convention against Transnational Organized Crime and the Protocols thereto. She also voiced support for the ongoing process of developing the draft United Nations Convention against Corruption. She stated that the Government of Croatia was intensifying its efforts to fight organized crime and corruption and had developed an action plan that included financial and economic measures and measures on the rule of law, criminal justice reform and international cooperation. Legislative changes to increase the efficiency of the criminal justice system were either pending or already

before the Croatian legislature. She added that Croatia also recognized that terrorism was a special form of crime and that there was a need to combat all forms of international terrorism.

145. The Minister of the Interior of Lithuania stated that the United Nations, in particular the Commission on Crime Prevention and Criminal Justice, played an important role in coordinating action against transnational crime. That was especially true for international terrorism and transnational organized crime, which posed major challenges for the international community. He noted that Lithuania viewed the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as being critical to those efforts. Lithuania had already ratified the Convention and intended to ratify in the near future the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol against the Smuggling of Migrants. Regarding the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex), Lithuania was still considering several legal issues but recognized the need to ratify that legal instrument. In cooperation with the Centre for International Crime Prevention and with the support of the Government of the United Kingdom, Lithuania was organizing a regional ministerial seminar in Vilnius on 4 and 5 June 2002 to support the ratification of the Convention and the Protocols thereto.

146. The Deputy Minister of Foreign Affairs of the Russian Federation stated that one of the most pressing issues was the need to combat the threat of international terrorism, which warranted concerted effort by the entire international community. In his view, action in that area should be based firmly on international law, as well as the Charter of the United Nations and relevant resolutions of the Security Council. There was a need for a universally accepted definition of terrorism and a comprehensive convention against it. Increased efforts to sign, ratify and fully implement the existing international instruments were also needed. Other significant issues were combating the funding of terrorism and introducing effective controls on components of weapons of mass destruction, including nuclear, chemical and biological weapons. The international community should also examine how the root causes of terrorism could be dealt with. Efforts to prevent conflicts, combat poverty, eliminate discrimination and ensure the steady development of all regions were seen as particularly important, as was the role of civil society, the creation of an atmosphere of active non-toleration of terrorism, the role of the media, the development of codes of conduct, and respect for human rights and the rule of law. All forms of terrorism were unacceptable, and exceptions and double standards should be avoided. Concerning the role of the Commission and the Centre for International Crime Prevention in combating terrorism, the Deputy Minister proposed that the Commission should develop a draft model agreement for cooperation in combating terrorism. In his view, the Centre should conduct studies on the root causes and the financing of terrorism, with a view to developing appropriate strategies.

147. The representative of the Philippines, speaking on behalf of the Group of 77 and China, stated that the commitment of the international community had enabled some positive steps to be taken, including the adoption of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the commencement of the negotiations on the draft United Nations Convention against Corruption. The plans of action for the implementation of the Vienna Declaration could serve as guides to Member States in formulating legislation, policies and programmes that would require adequate human resources. Member States should provide the necessary resources to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance activities. On the issue of terrorism, the Group of 77 and China supported efforts to strengthen international cooperation in combating that problem and stressed the importance of devising a long-term and comprehensive strategy to prevent and eradicate it. The representative underscored the central role of the United Nations in those efforts and supported the ongoing negotiation of a draft comprehensive convention on terrorism, in conformity with the Charter of the United Nations and relevant Security Council and General Assembly resolutions. He expressed the view that the Terrorism Prevention Branch of the Centre for International Crime Prevention should be strengthened and provided with new and additional resources to enable it to fulfil its mandate. Regarding the issue of corruption, the

Group of 77 and China remained fully committed to the negotiation of the draft United Nations Convention against Corruption, which should include practical measures to enable the repatriation of assets, including funds of illicit origin. The Group of 77 and China welcomed the proposal made by Peru to organize a seminar to deal with that issue. The representative commended the Centre for International Crime Prevention for its work in the field of technical cooperation and for its advisory services and emphasized the need for better coordination between the Centre and the United Nations International Drug Control Programme. He noted that, in strengthening the overall structure of the Office for Drug Control and Crime Prevention, care should be taken to avoid jeopardizing programmes that were essential to assisting developing countries. He added that there should be more transparency in the management of such programmes and the budget. The Group of 77 and China supported the continuation of the efforts of the Centre to address criminal justice reform and welcomed the thematic debate on that issue. It also welcomed the convening of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. The representative expressed the hope that the Eleventh Congress would translate the obligations of the international community set out in the United Nations Convention against Transnational Organized Crime and the future United Nations convention against corruption into a strategic alliance to combat transnational crime and corruption. He welcomed efforts to address the growing problem of high-technology and computer-related crime. He called upon developed countries to provide to developing countries the appropriate technical cooperation and financial support, including the transfer of know-how and computer-based technology, in order to make them more capable of protecting themselves from high-technology and computer-related crime, as well as to increase their readiness to combat such crime.

148. The representative of the Sudan, speaking on behalf of the Group of African States, referred to the efforts of States to sign and ratify the United Nations Convention against Transnational Organized Crime and the Protocols thereto. He noted that two regional seminars had been held in Africa during the past year. He emphasized the need to provide to developing countries technical and other assistance to support them in their efforts to implement those legal instruments, pursuant to General Assembly resolution 56/120. He also noted that the Group of African States supported Assembly resolution 56/253 of 24 December 2001, in paragraph 103 of which the Assembly had requested the Secretary-General to make proposals for strengthening the Terrorism Prevention Branch. He stated that the Group of African States would give its continuing support to ongoing efforts against terrorism, provided that such efforts were based on international consensus. The Group of African States welcomed Security Council resolutions 1373 (2001) and 1377 (2001) of 12 November 2001. The representative drew attention to the Convention on the Prevention and Combating of Terrorism, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-fifth ordinary session, held in Algiers from 12 to 14 July 1999.[43] The Group of African States also supported other ongoing efforts against the serious crime-related problems confronting the international community, including the negotiation of a new legal instrument against corruption and the ratification and implementation of the relevant United Nations instruments against crime, as well as action against cyber crime.

149. The observer for the Republic of Korea, speaking on behalf of the Group of Asian States, expressed support for the ongoing efforts to ratify the United Nations Convention against Transnational Organized Crime and the Protocols thereto and called for further support from donor countries for those efforts. On the issue of corruption, he noted with satisfaction the successful commencement of the negotiations on the draft United Nations Convention against Corruption and urged continuing support of that process. He also urged support for the global programme against corruption and the related technical assistance efforts. He reaffirmed the willingness of the Group of Asian States to contribute effectively to a collective effort, under the umbrella of the United Nations, to fight, without selectiveness or double standards, the scourge of terrorism in all its forms and manifestations. He emphasized that, by virtue of its universal character and impartiality, the United Nations qualified as the most appropriate body for assuming a central role in the formulation and implementation of a comprehensive international response to terrorism.

[43] See A/54/424, annex II, AHG/Dec.132 (XXXV).

Concerning the operations of the Centre for International Crime Prevention, he expressed the view that continuing efforts should be made to use resources efficiently and to identify synergies. He indicated that the Group of Asian States supported the offer of the Government of Thailand to host the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in 2005.

150. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, drew attention to a regional meeting held in Ecuador and Trinidad and Tobago as part of the ongoing efforts to support the ratification of the Convention against Transnational Organized Crime and the Protocols thereto. He stated that organized criminal groups constituted a significant threat to the security and development of many countries, and the countries of Latin America and the Caribbean were no exception. International cooperation was also needed to fight against kidnapping, and the Latin American and Caribbean countries would support the application of the United Nations Convention against Transnational Organized Crime for that purpose. The representative referred to the links between transnational organized crime and terrorism. He stated that another regional concern was the illicit traffic in protected species of wild flora and fauna. He expressed the view that the Secretary-General, in his report on the progress made in the implementation of Economic and Social Council resolution 2001/12 (E/CN.15/2002/7), clearly showed the high level of criminal activity in that area. The representative indicated that the members of the Group of Latin American and Caribbean States looked forward to the final report on that subject at the twelfth session of the Commission. Support was also expressed for other ongoing activities, including the plans of action for the implementation of the Vienna Declaration, particularly in the area of juvenile justice. There was also support for the revised draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters, contained in the report of the meeting of the Group of Experts on Restorative Justice (E/CN.15/2002/5/Add.1, annex I), provided that the basic principles continued to be seen as guidelines and not binding standards. The Group of Latin American and Caribbean States also supported the process of developing the draft United Nations Convention against Corruption, including the offer by the Government of Mexico to host a high-level political conference for the purpose of signing that convention. Regarding future United Nations congresses on crime prevention and criminal justice, the Group of Latin American and Caribbean States saw the congresses as important dynamic forums for bringing together high-level officials, academics and others to discuss important criminal justice issues, and it would continue to support them.

151. The representative of Egypt stated that serious challenges were being faced by the international community in respect of all forms of transnational crime, and that that called for an international response. The United Nations was responsible for responding to that challenge, moving from agreement and common interests to the implementation of concrete and comprehensive programmes. That entailed a burden beyond the means of some countries, raising the need for financial and technical assistance. He commended the Secretariat for its work in raising public awareness about the importance of combating transnational organized crime and in following up the successful conclusion of the United Nations Convention against Transnational Organized Crime. He recommended that equal attention be given to other activities of the Secretariat, in particular its work on combating terrorism. He stated that Egypt had always affirmed the need to combat terrorism, warning of the links between terrorism and organized crime, and had made efforts to include in the Vienna Declaration practical steps to promote international cooperation and technical assistance. He noted that a distinction should be made between terrorism and the legitimate struggle of peoples to exercise their right to self-determination. He deplored the actions of Israel, which sought to take advantage of the ongoing international campaign against terrorism to justify acts of State terrorism against the Palestinian people, which was unjustifiable. He stated that no States should have the right to act as judge and executioner, resorting to assassination and oppression. All States should condemn terrorism in all its forms and manifestations and reach agreement on its definition, so as to distinguish it from the legitimate struggle of national liberation movements. In addition, all States should support measures such as extradition, in line with international conventions. He stated that the 1951 Convention relating to the Status of Refugees[44] should

[44] United Nations, *Treaty Series*, vol. 189, No. 2545.

not be used as a pretext for providing asylum to terrorists, and measures should be undertaken to prevent the movement of suspected funds that might be used to finance terrorism. Further, the international community should not tolerate attacks on religion or specific regions or countries in the cause of fighting terrorism. All States should intensify security measures at the national and international levels. He also expressed support for the process of developing a draft United Nations Convention against Corruption. He emphasized, however, that that convention, once adopted, should not serve the interests of a given country or group of countries or be used as a tool for intervening in the internal affairs of a State.

152. The representative of the United States expressed support for the work of the Centre for International Crime Prevention in 2001, particularly in the area of the negotiation of the draft United Nations Convention against Corruption. That was seen as an important measure to bring about honest and effective government, as well as global commerce and law enforcement. She stated that the problem of corruption had impeded both efforts to bring about social and economic development and efforts to combat organized crime. She indicated that, at the International Conference on Financing for Development, held in Monterrey, Mexico, in March 2002, the United States had unveiled a new source of funding, designated the Millennium Challenge Fund, which would provide additional resources to developing countries, contingent on their commitments to good governance and the elimination of corruption. She commended the Centre for its efforts to assist and support States seeking to ratify the United Nations Convention against Transnational Organized Crime and the Protocols thereto. She indicated that the United States was proceeding with efforts to ratify the Convention, its Protocol to Prevent, Suppress and Punish Trafficking in Persons and its Protocol against the Smuggling of Migrants; she expressed the hope that the United States would be in a position to ratify those instruments during the coming year. Efforts were also being made to secure the signature of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms. She stated that the United States had already pledged over US$ 1 million to support ratification efforts. She highlighted the need of the Centre for further resources in what were seen as the most crucial of its responsibilities. On the issue of terrorism, she expressed appreciation for the new United Nations initiatives since the events of 11 September 2001, indicating that the United Nations entities in New York should maintain primary responsibility within the United Nations system for coordinating counter-terrorism issues. Member States could use the Centre and its Terrorism Prevention Branch to encourage States to ratify and implement the 12 existing conventions dealing with terrorism. That could be done in coordination with the Counter-Terrorism Committee, established pursuant to Security Council resolution 1373 (2001). She stated that the United States considered comments seeking to interject political issues into the Commission to be inappropriate, as they distracted from, and risked undermining, the important work before the Commission. She also indicated that those long-standing concerns were currently the subject of high-level and delicate efforts by her Government in the region and were inappropriate for the Commission. Of paramount importance was the ongoing work of the Commission in fighting transnational organized crime. She also voiced support for the recent management changes within the Office for Drug Control and Crime Prevention and expressed the view that donor support would reflect the soundness of management as new measures were implemented.

153. In his statement to the Commission at its 5th meeting on 18 April, Mr. Costa, the designate Executive Director of the Office for Drug Control and Crime Prevention, indicated that a dialogue between Member States and the Office for Drug Control and Crime Prevention was essential in order for the Office to successfully deliver on its complex and demanding mandates. The unprecedented threats posed by transnational crime, in all its facets, had resulted in a clear recognition by the international community that no country could, on its own, successfully cope with transnational crime. Issues that had in the past been regarded as the exclusive preserve of national Governments must increasingly be addressed in a multilateral setting, through agreed strategies and activities, and with shared international standards and instruments. The United Nations Convention against Transnational Organized Crime and the Protocols thereto, and the start of the negotiations on the draft United Nations Convention against Corruption, reflected the commitment and appreciation by the international community of the need to join forces and

act together to combat the most serious global manifestations of transnational crime. He called on all Member States to increase their efforts to ratify the Convention and its Protocols as early as possible, so that those newly adopted instruments could become truly operational tools in the day-to-day effort of combating organized crime. The rule of law, fair and efficient administration of justice and a culture of lawfulness were cornerstones of well-functioning participatory societies and basic conditions for the promotion of human rights, as well as of economic and social development. Judicial cooperation and effective criminal justice systems, which were essential components not only of stability, security and peace, but also of development cooperation, were part and parcel of the mandates that the international community had vested in the Office for Drug Control and Crime Prevention. He was determined, with the support of the Commission, to spare no effort in strengthening international cooperation and assisting Member States in dealing with the global drug and crime challenges. He expressed his appreciation to the Member States that were already supporting the United Nations Crime Prevention and Criminal Justice Programme, and he appealed to all Member States to contribute more generously to the Fund in a sustained fashion. He expressed his thanks to the Government of Thailand for offering to host the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and to the Government of Mexico for offering to host the high-level political conference for the purpose of signing the United Nations convention against corruption.

B. Attendance

154. The eleventh session was attended by representatives of 36 States members of the Commission. Also attending were observers for 64 other States Members of the United Nations, 2 non-member States, representatives of organizations of the United Nations system and observers for the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, 9 intergovernmental organizations and 36 non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Election of officers

155. At its 1st meeting, on 16 April, the Commission elected the following officers by acclamation:

Chairman: Tirivafi John Kangai (Zimbabwe)

Vice-Chairmen: Ivan Naydenov (Bulgaria)
Javier Paulinich (Peru)
Patrick Villemur (France)

Rapporteur: Ali H. Saryazdi (Islamic Republic of Iran)

156. The elected officers constituted the bureau of the Commission, which met several times during the session to consider matters relating to the organization of work and to strategic management.

D. Adoption of the agenda and organization of work

157. At its 1st meeting, on 16 April, the Commission adopted by consensus its provisional agenda (E/CN.15/2002/1 and Corr.1), which had been agreed on by the Commission at its tenth session and approved by the Economic and Social Council in its decision 2001/240 of 14 July 2001. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Thematic discussion on reform of the criminal justice system: achieving effectiveness and equity.
4. United Nations standards and norms in crime prevention and criminal justice.
5. International cooperation in combating transnational crime.
6. Work of the Centre for International Crime Prevention.
7. Strengthening international cooperation in combating terrorism.
8. Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

9. Strategic management and programme questions.

10. Provisional agenda for the twelfth session of the Commission.

11. Adoption of the report of the Commission on its eleventh session.

158. At the same meeting, the Commission adopted the proposed organization of work for its eleventh session, contained in the annex to the provisional agenda, as amended during intersessional consultations and annotations (E/CN.15/2002/1 and Corr.1), which included 12 meetings for the Committee of the Whole.

E. Documentation

159. The documents before the Commission at its eleventh session are listed in annex II to the present report. Several representatives called on the Secretariat to ensure that pre-session documentation was made available in the six official languages of the United Nations six weeks prior to the session, as requested by the General Assembly.

Annex I

Attendance

Members*

Algeria	Taous Ferroukhi, Linda Briza, Abdellah Rahmouni, Abdelghani Hamel
Argentina	Gustavo E. Figueroa, Mariano Ciafardini, Mónica S. Perlo Reviriego, Ricardo J. Massot, Betina Pasquali de Fonseca, Beatriz Vivas de Lezica
Belarus	Viktar Gaisenak, Olga Zvereva
Belgium	Jean-Cédric Janssens de Bisthoven, Freddy Gazan, Jean-Sébastien Jamart, Lucia Dreser, Linda Conings, Wouter Boucique
Bolivia	Mary Carrasco Monje, Gino Poggi Borda, Miriam Siles, Marco Alandia Navajas
Brazil	Roberto Abdenur, Renato de Alencar Lima
Bulgaria	Mario Dimitrov, Ivan Naydenov, Genka Beleva, Traiko Spasov, Ekaterina Georgieva
Canada	Ingrid Hall, Lucie Angers, Alan Morgan, David Daubney, May-Anne Kirvan, Robert Cormier, Holly Johnson
Colombia	Hector Charry Samper, Fernando Arboleda Ripoll, Gonzalo de Francisco, Juan Francisco Mesa Torres, Juliana Bustamente Reyes, Carlos Rodriguez Bocanegra, Diana Mejía Molina
Costa Rica	Ronald Woodbridge, Stella Aviram Neuman
Egypt	Sameh Shoukry, Iskandar Ghattas, Abdel Meguid Mahmoud, Yasser El-Atawi, Mostafa Abdel Ghafar
France	Patrick Villemur, Michèle Ramis-Plum, Jacques Lajoie, Bernard Frery, Gisèle Clement, Anne Guillou
India	T. P. Sreenivasan, Durgadas Gupta, Jayati Chandra, Shri Hamid Ali Rao, Shri Hemant Karkare, R. K. Garg
Indonesia	Bambang Prayitno, Harry Purwanto, Haris Nugroho, Odo Rene Mathew Manuhutu, Nina Kurnia Widhi

* Chad, the Democratic Republic of the Congo, Sierra Leone and Togo were not represented at the session.

Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Seyed Mohammad Ali Mottaghi Nejad, Ali Hajigholam Saryazdi, Bahram Heidari
Jamaica	Annmarie Barnes
Japan	Toichi Fujiwara, Masayoshi Kamohara, Kunihiko Sakai, Yasuhiro Tanabe, Hirokazu Urata, Koshi Yamasaki, Haruhiko Fujimoto, Atsushi Iritani, Yuko Sano, Kiyo Kudo, Jiro Usui, Nobuoki Ishii
Mexico	Eduardo Ibarrola Nicolín, María de la Luz Lima Malvido, Olga Pellicer, Eduardo Héctor Miguel Flores, Salvador López Navarrete, Julián Juarez Cadenas, Orlando Paredes Lara, Rutilio Cruz Escandón Cadenas, Jesús Galván Muñóz, Juan Manuel Sepúlveda Fayad, Ranulfo Márquez Hernández, Benjamín Avila Márquez, Gina Andrea Cruz Blackledge, David Augusto Sotelo Rosas, José Manuel del Río Virgen, Tomas Torres Mercado
Morocco	Tajeddine Baddou, Abdellatif Saadi, Ali Rame
Netherlands	Jaap Ramaker, Pieter Ramaer, Michiel Bierkens, Hans Abma, Nadine Van Loon, Victor Jammers
Nigeria	A. B. Rimdap, S. L. Mohammed
Pakistan	Ali Sarwar Naqvi, Fiaz Ahmad Mir, Mohammad Kamran Akhtar
Peru	Javier Paulinich, Hugo Portugal, Oscar Musso, Manuel Alvarez
Philippines	Victor G. Garcia III, Rogelio A. Pureza, Mary Anne A. Padua, Celia S. Leones
Poland	Henryk Szlajfer, Mariusz Skowronski, Anna Grupinska, Piotr Mochnaczewski, Agnieszka Dabrowiecka, Dariusz Karnowski, Beata Ziorkiewicz
Portugal	Carlos Neves Ferreira, Gil Galvao, Liliana Araújo, Maria do Carmo Costa, António Folgado
Russian Federation	Anatoliy E. Safonov, Ilya I. Rogachev, Mikhail I. Kalinin, Victor V. Milchenko, Andrey A. Spirin, Valeriy A. Grobovoy, Igor L. Smirnov, Mikhail Y. Deev, Nikolay Y. Shokov, Sergey P. Bulavin, Igor A. Alexeev, Irina V. Silkina, Vyacheslav V. Sergeev, Dmitry R. Okhotnikov, Sergey V. Zemskyi
Saudi Arabia	Omar Mohamed Kurdi, Abdulrahim Al-Ghamdi, Abdallah Abdelrahman Al-Yousef, Saleh bin Abdallah Al-Ghamdi, Mohamed bin Naser Al-Aoula, Abdelrahman bin Mohamed Al-Jarallah, Mohammad Abdulaziz Al Mehizea, Saud Al-Mutlaq

South Africa	J. S. Selebi, A. T. Moleah, P. C. Jacobs, Thobeka Jozi, J. Schreiner, J. E. Sishuba, L. Dyosi, M. Mkhize, E. M. J. Steyn, J. Prozeski, N. S. Schoombie, S. V. Mangcotywa
Spain	Antonio Núñez García-Saúco, Francisco de Miguel Alvarez, Ignacio Peláez Marqués, Victor Quesada, Rocío Pérez Puig, Francisco Rico Damas, Alfredo Pascual, Esteban Gándara Trueba, José María de las Cuevas Carretero, Ignacio Baylina Ruiz
Sudan	Abdel Ghaffar A. Hassan, Ismail Mohamed Ahmed Abu Shouk, Ahmed Hassan Ahmed Mohamed
Thailand	Kampree Kaocharern, Tongthong Chandransu, Chidchai Vanasatidya, Karn Chiranond, Sirisak Tiyapan, Uthai Arthivech, Suphanvasa Chotikajan, Banpoth Ujjin, Rongvudhi Virabutr
Tunisia	Afif Hendaoui, Emna Lazoghli, Néjib Denguezli, Riadh Ben Slimane
United States of America	Elizabeth Verville, Kenneth Brill, Stephen Noble, John Harris, Kathleen Barmon, John Bargeron, John Sandage, Guy Hummel, William Kullman, Edwin Zedlewski, David Fisher, Scott Harris
Uzbekistan	Yakubdjan Irgashev, Aziz Aliev
Zimbabwe	Tirivafi John Kangai, Clemence Masango, Vova Chikanda, Barbara Chimhandamba

States Members of the United Nations represented by observers

Afghanistan, Albania, Angola, Australia, Austria, Azerbaijan, Belize, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, Gabon, Germany, Greece, Guatemala, Haiti, Hungary, Iraq, Ireland, Italy, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Namibia, New Zealand, Oman, Panama, Republic of Korea, Romania, Senegal, Singapore, Slovakia, Slovenia, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia

Non-member States represented by observers

Holy See, Switzerland

United Nations Secretariat

Office of Legal Affairs, Office for Drug Control and Crime Prevention, United Nations Mission in Bosnia and Herzegovina

United Nations programmes and research institutes

United Nations Human Settlements Programme, United Nations International Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, Naif Arab Academy for Security Sciences, National Institute of Justice, International Centre for the Prevention of Crime, International Scientific and Professional Advisory Council

Specialized agencies and other organizations in the United Nations system

International Atomic Energy Agency

Intergovernmental organizations represented by observers

Asian-African Legal Consultative Organization, Commonwealth Secretariat, Council of Arab Ministers of the Interior, European Commission, International Centre for Migration Policy Development, International Organization for Migration, Organization for Security and Cooperation in Europe, Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Sovereign Military Order of Malta, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, Caritas Internationalis (International Confederation of Catholic Charities), Friends World Committee for Consultation, International Abolitionist Federation, International Council of Women, International Federation of Business and Professional Women, Muslim World League, Soroptimist International, World Association of Girl Guides and Girl Scouts, World Confederation of Labour, World Muslim Congress, Zonta International

***Special consultative status*: Centro Nazionale di Prevenzione e Difesa Sociale, Defence for Children International, Europe 2000, General Arab Women Federation, Howard League for Penal Reform, International Association of Penal Law, International Association of Prosecutors, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Catholic Prison Pastoral Care, International Council on Alcohol and Addictions, International Federation of University Women, International League for Human Rights, International Society for Criminology, International Society of Social Defence, Italian Centre of Solidarity, Japan Federation of Bar Associations, Marangopoulos Foundation for Human Rights, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Group of German Associations, Open Society Institute, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic students), Penal Reform International, Prison Fellowship International, World Society of Victimology**

Annex II

List of documents before the Commission at its eleventh session

Document number	*Agenda item*	*Title or description*
E/CN.15/2002/1 and Corr.1	2	Provisional agenda and annotations
E/CN.15/2002/2 and Corr.1	6	Report of the Executive Director on the work of the Centre for International Crime Prevention
E/CN.15/2002/3	3 and 4	Report of the Secretary-General on "Reform of the criminal justice system: achieving effectiveness and equity" and the use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform
E/CN.15/2002/4	4	Report of the Meeting of the Group of Experts on Crime Prevention, held in Vancouver, Canada, from 21 to 24 January 2002
E/CN.15/2002/5 and Corr.1	3 and 4	Report of the Secretary-General on restorative justice
E/CN.15/2002/5/Add.1	3 and 4	Report of the meeting of the Group of Experts on Restorative Justice, held in Ottawa from 29 October to 1 November 2001.
E/CN.15/2002/6 and Add.2	4	Report of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions
E/CN.15/2002/6/Add.1 and 3	4	Report of the Secretary-General on the implementation of the International Code of Conduct for Public Officials
E/CN.15/2002/7	5	Report of the Secretary-General on the progress made in the implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna
E/CN.15/2002/8	5	Report of the Secretary-General on effective measures to prevent and control computer-related crime
E/CN.15/2002/9	5	Report of the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes
E/CN.15/2002/9/Add.1	5	Results of the study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

Document number	*Agenda item*	*Title or description*
E/CN.15/2002/10	5	Report of the Secretary-General on promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
E/CN.15/2002/11	4	Report of the Secretary-General on the implementation of the United Nations Declaration on Crime and Public Security
E/CN.15/2002/12	8	Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2002/13	9	Note by the Secretary-General on the nomination of two members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2001/L.1 and Add.1-10	11	Draft report
E/CN.15/2002/L.2/Rev.1	4	Basic principles on the use of restorative justice programmes in criminal matters: revised draft resolution
E/CN.15/2002/L.3/Rev.2	4	Action to promote effective crime prevention: revised draft resolution
E/CN.15/2002/L.4/Rev.2	8	Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice: revised draft resolution
E/CN.15/2002/L.5/Rev.1	5	Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children: revised draft resolution
E/CN.15/2002/L.6	7	Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism: draft resolution
E/CN.15/2002/L.7	6	Strengthening the capacity of the Centre for International Crime Prevention to prevent and combat terrorism: draft resolution
E/CN.15/2002/L.8/Rev.1	5	International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: revised draft resolution
E/CN.15/2002/L.9/Rev.1	5	High-level political conference for the purpose of signing the United Nations Convention against Corruption: revised draft resolution

Document number	*Agenda item*	*Title or description*
E/CN.15/2002/L.10/Rev.2	4	United Nations standards and norms in crime prevention and criminal justice: revised draft resolution
E/CN.15/2002/L.11/Rev.1	5	International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims: revised draft resolution
E/CN.15/2002/L.12/Rev.1	6	International cooperation, technical assistance and advisory services in crime prevention and criminal justice: revised draft resolution
E/CN.15/2002/L.13/Rev.1	7	Symposium on the theme "Combating international terrorism: the contribution of the United Nations": revised draft resolution
E/CN.15/2002/L.14/Rev.1	5	Illicit trafficking in protected species of wild flora and fauna: revised draft resolution
E/CN.15/2002/L.15/Rev.1	5	Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century: revised draft resolution
E/CN.15/2002/L.16/Rev.1	7	Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism: revised draft resolution
E/CN.15/2002/CRP.1		Proposed revisions to the medium-term plan for the period 2002-2005
E/CN.15/2002/CRP.2		African Charter on Prisoners' Rights
E/CN.15/2002/CRP.3		Activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2002/CRP.4		Subregional ministerial seminar to support the ratification of the United Nations Convention against Transnational Organized Crime and its Protocols, held in Ouagadougou from 28 to 30 November 2001
E/CN.15/2002/CRP.5		Subregional ministerial seminar on the United Nations Convention against Transnational Organized Crime and its Protocols, held in Tehran on 3 and 4 October 2001
E/CN.15/2002/CRP.6		Ministerial consultation on the United Nations Convention against Transnational Organized Crime and its Protocols, held in Port-of-Spain from 30 November to 1 December 2001

Document number	*Agenda item*	*Title or description*
E/CN.15/2002/CRP.7		Report of the ASEAN high-level experts meeting on the United Nations Convention against Transnational Organized Crime and its Protocols, held in Hanoi from 8 to 10 August 2001
E/CN.15/2002/CRP.8		Report of the Latin American seminar to promote the ratification of the United Nations Convention against Transnational Organized Crime and its related protocols, held in Quito from 25 to 27 March 2002
E/CN.15/2002/CRP.9		Technical cooperation strategy
E/CN.15/2002/NGO/1		Criminal justice challenges in the age of globalization: regional strategies for combating terrorism, corruption and transnational organized crime in the context of development and poverty alleviation: report of the Working Group of Experts
E/CN.15/2002/NGO/2		Effective crime prevention (violence against women): statement submitted by Soroptomist International